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Chairman: Mr. Kuchinsky ..... (Ukraine)
later: Ms. Kusorgbor ..... (Ghana)

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The meeting was called to order at 9.50 a.m.

Agenda item 103: Elimination of racism and racial discrimination (*continued*) (A/59/18, A/59/275, A/59/276, A/59/330, A/59/329, A/59/425 and A/C.3/59/4)

1. **Mr. Lukyantsev** (Russian Federation) stated that the fight against racism in its various manifestations had become a priority in international activity on behalf of human rights; it was an issue of fundamental importance, because its underestimation often led to tragic consequences. Prevention of racism, racial discrimination, xenophobia and religious intolerance should be a key policy aim of all countries without exception. In today's world, it did not suffice to publicly condemn or legislate against discrimination. Human rights standards ought to be part of the culture and educational system, and of every individual's world view.

2. In the World Conference against Racism, held in Durban, the overwhelming majority of countries clearly demonstrated their resolve to react firmly, by passing relevant legislation, fostering opposition to racism in public opinion, and doing their utmost to eradicate the phenomenon. A specific and unified strategy needed to be adopted to ensure implementation of the final documents of the Durban conference. The tasks of working groups and the Special Rapporteur were a significant part of that strategy, particularly in regard to peoples of African origin; the Russian Federation would continue to provide all possible support to United Nations activities in that context.

3. At the initiative of the Russian Federation, during the sixtieth session of the Commission on Human Rights, resolutions had been passed against contemporary forms of racism, xenophobia and other forms of intolerance, condemning neo-Nazism and public meetings where that ideology was promoted. The speaker was surprised that on the eve of the sixtieth anniversary of the victory against Nazism in the Second World War, there were countries in the Commission that had disagreed with the Durban document, and in fact had even called into question the decisions of the Nuremberg Tribunal, and the aims of principles of the United Nations – an organization that had been created in response to the sufferings inflicted by fascist ideology.

4. The fight against racism was closely related to the rights of ethnic, linguistic and religious minorities. Establishing a coordinated and appropriate approach to solving those problems would ensure harmony and inter-ethnic peace between States. Unfortunately, some countries that had recently joined the European Union continued to discriminate against specific population groups on the basis of national and linguistic characteristics.

5. According to international agencies and human rights organizations (and the affected communities themselves), the situation in Latvia and Estonia remained highly problematic. The situation had been made worse by the attitudes displayed by the authorities of those countries towards national minorities, whose members were labelled "occupiers". Furthermore, mechanisms to uphold the rights of Russian-speaking minorities were being ignored. Following reform of the education system in those countries, secondary education in the languages of national minorities was being dismantled. In Estonia, the Primary and Secondary Education Act allowed arbitrary decisions to be taken regarding the maintenance of schools that taught through Russian.

6. The Government of Latvia had cut off all dialogue with national minorities. Pursuant to the Education Act signed into law by the President of Latvia in 2004, Latvian was being taught in Russian schools, and only 40 per cent of teaching activities were being given in the Russian language. By 2007, Russian would probably have disappeared altogether from the education programme in that country. Moreover, totalitarian methods including intimidation, political and administrative sanctions, and even deportation were being used to put pressure on activists, in violation of all international standards of human rights. Latvia was increasingly non-compliant with repeated recommendations made by the United Nations, the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE). Latvian politicians were showing a total lack of respect for the main national linguistic community, and were attempting to label young people on ethnic criteria and use discriminatory practices to drive Russians from the country.

7. In Latvia and Estonia, serious inter-ethnic problems had been aggravated by the activities of neo-Nazi groups in those countries, which was an insult to the memory of the thousands of victims of

fascism. As the Prime Minister of Sweden had stated in 2000 at the Stockholm International Forum on the Holocaust, Nazism was on the march again through the streets of Europe, and that was unacceptable. Every swastika, every raised fist, served as a warning and an assault on democracy.

8. **Ms. Kleitman** (Israel) said the issue under consideration was intimately related to the mandate of the United Nations, an organization that had been founded in large measure to combat racism and racial discrimination, and to ensure the right of peoples to self-determination. The United Nations had been created following a dark period of history in which massacres had been committed for ethnic and racial reasons, and entire peoples had been denied the right to self-determination.

9. It would be both disingenuous and immoral to speak of racism today without referring to anti-Semitism, an ever-present blight on humanity that had recently gained renewed vigour; it was a phenomenon that was not only disagreeable and offensive, but also extremely dangerous. Anti-Semitism had always existed, but in recent years it had grown to alarming proportions. Since mid-2000 there had been a sharp increase in the number of anti-Semitic incidents throughout the world, with their sequels of violence and terror. Such acts included bombing and setting fire to synagogues and Jewish community centres, desecration of cemeteries, harassment and intimidation of individuals and groups, and a steep increase in anti-Semitic propaganda.

10. In the Middle East, a heightened climate and culture of hatred against Jewish people permeated both official and private media, which combined dehumanizing images of Jewish people with insults dating back to mediaeval Europe, and Nazist theories of a Jewish conspiracy to dominate the world. The sadly infamous "Protocols of the learned elders of Zion" had become a best seller, and, in the past two years, at least two television series based on classic anti-Semitic defamation had been broadcast to large audiences. The pernicious hatred of the Jew as an individual, of Judaism as a religion, and of the Jewish people as a nation had not diminished. Today, there were calls for the destruction of Israel and the end of the Jewish State, which represented the latest manifestation of anti-Semitism. Classical anti-Semitism had aimed to deny Jews their legitimate place in society. The new anti-Semitism sought to deny the Jewish people their legitimate place among the community of nations.

11. Israel welcomed the fact that the international community had begun to react to the danger represented by anti-Semitism, and the conference on the subject held last June under the auspices of the United Nations Department of Public Information had been a fundamental step forward. The remarks made by the Secretary-General at that conference had made a major contribution to the struggle against the scourge of anti-Semitism. The OSCE conference on the same subject, held in Berlin in April, had been another seminal event, and its outcome, the Berlin Declaration, had been a turning point. Israel looked forward to the day when resolutions condemning anti-Semitism or other forms of prejudice, racism and intolerance would no longer be necessary; but in the meantime it was crucial that the General Assembly energetically condemned anti-Semitism in all relevant resolutions.

12. Like the United Nations, Israel had been born under the guiding principle that all peoples had the right to self-determination. The vision of the founding fathers of Israel involved the establishment a modern State in the ancient homeland of the Jewish nation, in order to uphold its right to self-determination, while living in peace and security with its neighbours. The State of Israel had always recognized the right of all peoples to self-determination. That included the Palestinian people, whom Israel had no interest in subjugating – as attested to by the disengagement plan announced by the Israeli Government. Israel stressed its full support for the two-State solution articulated in the Road Map. Nonetheless, the right to self-determination did not translate into a right to violence. No political grievance justified terrorism and murder. To be implemented honestly and fairly, the right to self-determination had to be exercised alongside respect for the right of others to their own self-determination. The conflict in the Middle East was political, not racial; and keeping the hope of peace alive required mutual respect and recognition to make negotiation and compromise possible. In their desire for self-determination and peace, the Palestinian people had suffered the tragedy of a leadership which, instead of working towards peace, had placed obstacles in the path to self-determination.

13. Lacking a partner for peace, the Israeli Government was seeking to promote the new Road Map. The security fence aimed to reduce terrorism,

sponsored implicitly and explicitly by the Palestinian leadership, in order to prevent the situation from obstructing the progress of both peoples towards the two-State solution. Israel looked forward to the day when it could live alongside its Palestinian neighbours, with both peoples enjoying their right to self-determination and peace.

14. **Mr. Gregoire** (Dominica), speaking on behalf of the Caribbean Community (CARICOM), said that the member States of that community had a deep-rooted historical view of issues of racism and racial discrimination, since their societies had emerged from the fight against inhuman conditions of slavery and indentureship, and from the persistence of colonialism. It thus recognized the lingering effects of those evils on the development process among societies and their peoples.

15. The inequitable social and economic conditions currently facing many countries were partly due to those historical misdeeds. For that reason, the CARICOM States supported meaningful and speedy debt relief, free and fair trade, special and differential treatment, and comprehensive initiatives in favour of sustainable development such as the New Partnership for Africa's Development. The success of such measures would generate the conditions needed for a more equitable distribution of wealth, most of which had been generated from slavery, indentureship and colonialism.

16. In the context of the global struggle against racial discrimination, the speaker paid tribute to the bicentenary of the independence of Haiti, which had been achieved following a lengthy struggle by its people to overthrow slavery and oppression and inaugurate an era of freedom.

17. Aware of the impact of racism and racial discrimination on the process of underdevelopment, the CARICOM States attached great importance to speedy implementation of the Durban Declaration and its Programme of Action; and it endorsed the work being done by the Office of the United Nations High Commissioner on Human Rights, which was providing technical cooperation to Governments and institutions. Also fundamental was the work done by independent eminent experts, and by the Working Group of Experts on People of African Descent.

18. The CARICOM States concurred with the view expressed in the High Commissioner's 2004 interim report that, despite the commitments made by the international community at Durban to fight against racism, racial discrimination, xenophobia and intolerance, alarming manifestations of those phenomena continued to occur, based not only on traditional forms of racial discrimination, but also new forms of targeting non-nationals, refugees and immigrants. The speaker agreed with the recommendations made by the Special Rapporteur to the Commission on Human Rights to implement national programmes to combat those scourges, to promote the concept of pluralism and foster dialogue between cultures and religions, to formulate an intellectual strategy to combat racism, discrimination and xenophobia, and to ensure that the legitimate struggle against terrorism did not breed new forms of discrimination against specific populations, religions, cultures or ethnic groups.

19. The CARICOM States supported implementation of the recommendations made by the Working Group of Experts on People of African Descent, regarding the need to compile data from a wide variety of sources, adopt measures to ensure full and effective access to the justice system, eliminate racial profiling and promote community-level initiatives. It also reiterated its support for General Assembly resolution 58/160, of 22 December 2003.

20. The CARICOM States would have hoped that racism would have been no more than a diminished and insignificant practice by the third millennium, and that colonialism, as an unfair political system, would not have endured into the twenty-first century. Nonetheless, it was clear that racism and xenophobia persisted as major causes of conflict and tension in many parts of the world. The CARICOM States reiterated their call to the international community to implement as far as possible the Durban decisions on behalf of the underprivileged, those who were subject to racial discrimination, those who had been colonized in the past, and those who remained under colonial domination.

21. **Mr. El-Badri** (Egypt) expressed his full support for the declaration formulated by Qatar on behalf of the Group of 77 and China. Humanity had suffered numerous maladies throughout its history, the most dangerous of which had been caused by man's contempt for man based on racial, gender, religious, linguistic and other grounds. The seriousness of that evil was well known, however, and thanks to

international efforts it was starting to be eradicated. That process had been crowned by the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and by the Programme of Action to combat those scourges. Despite the agreements reached by States and peoples on steps to be taken to eliminate racism and discrimination, successes thus far had been few, and in some cases there had been regression.

22. The two reports of the Special Rapporteur sounded the alarm on numerous problems, including the resurgence of new nationalist and radical-right movements, which were fuelling xenophobia. A new danger had emerged on the international scene as a result of the deplorable events of 11 September 2001. The struggle against terrorism was being confused with the religious and ethnic origins of certain people, and had given rise to numerous cases of discrimination and persecution. Some Islamic and Arab communities were suffering growing discrimination on religious and ethnic grounds, with direct consequences for the life of the victims and their families. The international community needed to close ranks behind efforts to eliminate that new phenomenon, which could easily provoke new forms of hatred and persecution.

23. One of the symptoms of that social and human disease was the situation in the Middle East, and particularly in Palestine, which remained at the mercy of Israeli political intransigence and occupation. As a result of that situation, the Palestinians were suffering from a brutal occupation based on the implementation of racist and discriminatory policies. The speaker wondered how long the international community would continue to stand by with its arms folded in the face of daily human rights violations; how long would innocent people continue to be discriminated against and murdered; how long would Palestinian land remain confiscated; how long would Israel continue building its wall of racist separation. Egypt looked forward to the day when the entire international community would help bring an end to those sectarian practices that were being inflicted on a defenceless people.

24. It was time to develop new methods to speed up the struggle against racial, ethnic or linguistic discrimination. It was time for the international community to implement new measures against that scourge and others, such as the threat posed by nationalist and radical movements. States should adopt educational policies and study programmes that fostered awareness of human rights and put an end to radical ideas based on racial and ethnic considerations. The Special Rapporteur had promised to address that issue in his next reports.

25. **Mr. Cumberbatch** (Cuba) stated that racial discrimination was one of the cruellest manifestations of the exploitation that some peoples had been subject to for centuries, and was now being perpetuated by the widening gap being between rich and poor created by neoliberal globalization. The old idea that certain human beings were superior to others because of the colour of their skin, their spiritual practices or their genetic disposition, was today hiding behind the profound irrefutability of cultural, ethnic or religious diversity. Although modern science had clearly shown that human beings scarcely differed one from another, those who aimed to control the planet continued to proclaim their superiority.

26. Technological progress, new legislation, and the radical transformation of modern social sciences had all failed to put an end to racism and xenophobia. In wealthy societies such manifestations were a logical consequence of the desire to dominate. Racism, racial discrimination and xenophobia, along with anti-Semitism and islamophobia, were on the rise in the most developed European nations, and the traditional victims of discrimination had now been joined by immigrants, refugees and non-nationals. There had also been an alarming upsurge of political parties on the extreme right that mobilized large sectors of society, created networks to disseminate their ideas, and propagate violence beyond their borders. In the United States of America, neofascist organizations also were abundant, which disseminated their racist, xenophobic and sectarian propaganda throughout the media. That phenomenon had increased following the tragic events of 11 September 2001. The new ideological climate tended to label populations, and even cultures and religions, as "high-risk". Historical amnesia seemed to have erased from the memory the terrible armed conflicts that had caused those views of the world.

27. In view of that reality, it was very important to implement the measures envisaged in the third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Joint action was needed from all United Nations institutions and programmes, treaty bodies, the Commission on Human Rights and its subsidiary agencies and special

procedures, in order to widely disseminate the Durban accords and integrate them into their respective mandates. The Conference had contributed to international cooperation in the fight against racism and to the critical evaluation of historical crimes against humanity. It had also helped to identify the causes and origins of racism, issued a condemnation of its contemporary manifestations, and put forward concrete proposals. The main objective was to ensure that the agreements contained in the Durban Declaration and Programme of Action were fulfilled, and new initiatives promoted to resolve major issues that remained pending following the Durban conference, such as full restoration of the dignity of the victims of those pernicious practices and, in particular, compensation for the grave harm caused. The Cuban delegation reiterated its willingness to support all actions to that end.

28. **Ms. Joseph** (Saint Lucia) highlighted the importance of the principle of equal rights and self-determination of peoples, enshrined in numerous international and United Nations instruments. That principle held enormous significance for non-self-governing territories, for which reason it was crucial to support the work of the Committee of 24 and the Fourth Committee. In that connection, it was important to recognize the logical connection that existed between the work of the aforementioned United Nations committees, and that of the Third Committee, which emphasized the human rights dimension of the process of self-determination. The Third and Fourth Committees should collaborate closely to promote ideas reflecting the convergence of their mandates on the issue of self-determination.

29. As a former colonial territory that had gained its independence through a process of self-determination, Saint Lucia focused on the territories in its region that had yet to exercise that fundamental right. Although the United Nations had been contributing to the process of self-determination since the end of the Second World War, there were still 16 territories that had not achieved full self-government and remained in a situation of political and constitutional dependency. Greater efforts were needed to enable the peoples of those territories to obtain the right to self-determination. The international community could make a significant contribution in that regard by implementing General Assembly resolutions approved on recommendation by the Third and Fourth Committees.

30. Saint Lucia endorsed the commitment expressed in the 14th Ministerial Conference of the Non-Aligned Movement, held in August 2004 in South Africa, which had underscored the continued validity of the fundamental and inalienable right of peoples to self-determination, irrespective of the size of their territory, geographic location, population and natural resources, and it renewed its commitment to hasten full implementation of the Plan of Action of the Decade for the Elimination of Colonialism. Nonetheless, although the size of a territory should not prevent its self-determination, major obstacles persisted in small territories.

31. Despite the decisions taken by the General Assembly in relation to the First and Second International Decade for the Elimination of Colonialism, the majority of the measures proposed had either not been carried out, or else had been applied only partially, particularly those that were to have been carried out by the United Nations system. The mandate of the General Assembly in relation to self-determination could only be fulfilled through concerted effort to implement the key recommendations contained in its resolutions and decisions. In that regard, the mid-term review of the Plan of Action of the International Decade for the Elimination of Colonialism, scheduled for 2005, would highlight the obstacles to achieving self-determination for small territories. It was to be hoped that the review would yield useful recommendations on how the United Nations system could implement the actions that the international community had repeatedly asked it to take.

32. **Ms. Bethel** (Bahamas) fully aligned itself with the statements made by the delegations of Qatar, on behalf of the Group of 77 and China, and Dominica, on behalf of the Caribbean Community. As party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of the Bahamas had collaborated with the Caribbean Community, the Organization of American States, the Commonwealth and the United Nations in activities aimed at putting an end to racism and racial discrimination; it had also participated in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in 2001, and was fully committed to implementation of

the Durban Declaration and Programme of Action. The international community needed to remain on its guard against a resurgence of old racist ideologies and the appearance of new forms of intolerance, particularly through abuse of modern information and communication technologies.

33. Her country had participated in drafting the CARICOM Charter of Civil Society, which was essentially served as a Bill of Rights for all inhabitants of the region, regardless of race, ethnic origin, gender, creed or nationality. Signing of the Charter was a sine qua non for membership of the Caribbean Community.

34. The Bahamas had created institutions and designed policies that fostered a climate of tolerance and respect for diversity. Its Constitution contained provisions on fundamental rights and freedoms, applicable to all its citizens irrespective of their race or ethnic origin. Those measures had been put into practice through the absolute prohibition of discrimination of any kind in the domains of law, employment, education, healthcare and other social services. Steps had been taken to introduce civic awareness courses in national school curricula, which addressed the issue of racism and racial discrimination. The most vivid demonstration of the country's commitment to tolerance and respect for diversity was the International Cultural Weekend, held in October each year, in which representatives from over 50 nationalities living in the Bahamas displayed their art, culture, food and traditions.

35. **Ms. Aghajanian** (Armenia) stated that individual human rights could not be fully guaranteed unless peoples' right to self-determination were exercised. Unfortunately, attempts to suppress that right were frequent, and had often led to military confrontation. The international community should be aware that the means to deal with those issues were unsatisfactory. Ill-advised attempts to juxtapose the principles of self-determination and territorial integrity so as to give one priority over the other, were not a recipe for success. A balanced framework needed to be defined to allow those two principles to be reconciled, for which a human rights approach was required to ensure that democracy and freedoms were not undermined.

36. The people of Nagorno-Karabakh had also attempted to exercise their right to self-determination, initially peacefully, although later they had had to fight to defend it; and, at the present time, they were seeking a negotiated settlement. Azerbaijan had for years rejected appeals for a peaceful and legal solution to the problem, and had long been recruiting mercenaries and international terrorists, whose names appeared on the lists of terrorists sought by justice systems throughout the world today, to fight against Armenian men and women who were defending their land and lives. The secession of Nagorno-Karabakh from Azerbaijan during the Soviet era was legal, peaceful and just; and carried out through referendum. In fact, it had been fully in line with the principles of international law and Soviet legislation in force at the time. No attempt by Azerbaijan to fit the facts and legal norms of the time to its own invented framework could alter the real course of events. Having exercised its inalienable right to self-determination Nagorno-Karabakh, was attempting to construct a democratic and open society in which the rights and freedoms of its citizens would be guaranteed. The authorities of the region were determined to democratize their society, as shown by the presidential, parliamentary and local elections that had been held over the last decade, in conformity with OSCE decisions.

37. For an issue as complex and delicate as peoples' right to self-determination, there was no "one-size-fits-all" solution. It was regrettable that the other negotiating party had preferred warmongering and incitement of anti-Armenian hatred, rather than serious efforts to find a negotiated solution to the conflict. The Azerbaijani authorities maintained their aggressive rhetoric and continued to brainwash their people, creating "heroes" who believed that killing a fellow Armenian compatriot in his sleep in Budapest was a patriotic act, and aborting a cooperative exercise with NATO on its own territory by refusing to accept Armenian participants. The negatively charged atmosphere that Azerbaijan was creating in detriment to confidence-building between the two peoples was extremely worrying, and there was a real danger that those verbal expressions of hatred against Armenia would endanger the ceasefire. The history of Europe was full of examples of xenophobia and intolerance being propagated to create fertile ground for subsequent violence. Armenia considered that in the twenty-first century, the political will of the people should prevail in resolving conflicts.

38. **Mr. Misra** (India) noted that the report of the Secretary-General on global activities for the total

elimination of racism, racial discrimination, xenophobia and other related forms of intolerance, relating to comprehensive implementation of and follow-up of the Durban Declaration and Programme of Action, had concluded that a more decisive effort was needed to combat manifestations of racial discrimination and xenophobia.

39. The study on political platforms that promoted or incited racial discrimination showed that racism, racial discrimination, xenophobia and related intolerance had been on the rise in many parts of the developed world; and that, in addition to their traditional victims, they were now affecting groups such as immigrants, refugees and non-nationals. Another grave danger was posed by the influence of far-right ideologies in traditionally democratic parties of Europe and other parts of the world. The war against terrorism following the 11 September attacks had created a new dynamic that tended to view the traditional victims of racial discrimination as groups fostering terrorism. The study called on States to exercise greater control over racist statements made by the representatives of political parties and other ideological movements, insisted that freedom of expression could not be used as an excuse for incitement of that kind, and called for legislation to prohibit the promotion of racist and xenophobic ideas, including Internet sites that propagated contents of that type. Lastly, the study recommended the establishment of early warning systems and preventive mechanisms to monitor racial conflicts.

40. The interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, stated that new forms of discrimination had appeared in addition to the traditional ones, particularly in the framework of the fight against terrorism. The struggle against terrorism could not be allowed to overshadow the fight against all forms of racism and discrimination. The Special Rapporteur noted the alarming increase in the number of Internet sites and messages used by racist and xenophobic organizations to transmit racial hatred; for that reason, India agreed on the need to draft an additional protocol to the International Convention on the Elimination of all Forms of Racial Discrimination, containing legal measures to combat the use of the Internet for racist or xenophobic purposes. It also agreed with the recommendation that the Assembly should focus its attention on contemporary forms of racial discrimination that particularly affected immigrants, refugees and non-citizens.

41. Lastly, the representative recalled the leading role that India had played in the historical struggle for decolonization and at the forefront of the movement to secure the right of peoples to self-determination and economic, social and cultural development. It was a fundamental principle of law that freedom came with responsibility; and self-determination could not be used as an instrument to promote subversion and erode the political cohesion or territorial integrity of Member States of the United Nations. It could also not be abused to encourage secession or undermine pluralistic and democratic States, nor could it legitimize ethnic, religious segregation and extreme nationalism on the specious grounds that societies needed to be constituted on homogeneous lines before they could be tolerant of diversity and accept multi-culturalism. Nor could the right to self-determination be invoked to justify territorial expansion, through terrorism and violence.

42. *Ms. Kusorgbor (Ghana) took the Chair at that point.*

43. **Mr. Farrokhnejad** (Islamic Republic of Iran) stated that the fight against racism, racial discrimination, xenophobia and related intolerance that affected millions of people, required conviction, consistency, perseverance and determination from all members of the international community. The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance showed that one of the main manifestations of such phenomena at the present time was islamophobia, a form of intolerance that was extremely worrying for Muslim communities in various parts of the world. In particular, since the terrorist attacks of 11 September, there had been a spiral of violence, discrimination and physical aggression against that community. It was deplorable that certain Governments were combating terrorism by prohibiting religious acts in public schools, thereby aggravating the situation and running the risk of promoting and legitimizing discrimination against Muslim people.

44. The Islamic Republic of Iran invited all States facing the problem of islamophobia to review and revise their policies or laws that served to encourage or in any way provoke violation of the rights of Muslim communities. Member States and other influential

actors needed to develop a strategy to combat Islamophobia as a matter of urgency, based on the opinions and recommendations of the Committee on the Elimination of all Forms of Racial Discrimination, the report of the Special Rapporteur, the Inter-Governmental Working Group on effective implementation of the Durban documents, and the eminent experts group.

45. Iran was committed to policies aimed at eliminating racial discrimination in all its forms, both nationally and internationally. At the national level, over the last 20 years, measures had been introduced to promote the economic, social and cultural life of the different ethnic groups living in the country, in the framework of the three economic, social and cultural development programmes, and it had encouraged intervention by various ethnic groups in political life, as shown by their greater participation in parliamentary, presidential and local elections. At the international level, the Islamic Republic of Iran had cooperated with other members of the international community to eliminate all forms of racism and racial discrimination throughout the world, particularly through active participation in the collective movement to bring an end to the apartheid regime in South Africa. Iran had also hosted the Asian preparatory meeting for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Islamic Republic of Iran remained determined to full implementation of the commitments assumed in the Durban Declaration and Programme of Action.

46. **Ms. Rasheed** (Palestine) stated that she represented a people that continued to be subjected to one of the most brutal forms of colonialism in modern history. At a time when decolonization was virtually complete, the Palestinian people continued to be denied their right to national identity on their own land – their right to self-determination – as a result of Israeli occupation in flagrant violation of legitimacy and international law. Every year that passed without self-determination for the Palestinian people being recognized meant another year of intolerable suffering and misery. Any attempt to ease the situation on the ground without genuinely addressing the core issue of the right of the Palestinian people to self-determination, would fall short of a genuine solution and fail to achieve full, permanent and lasting peace in the Middle East.

47. Since September 2000, Israel had been waging a violent military campaign against Palestinian people in the occupied territories; over the last four years, the occupying forces had continued to launch military raids and attacks, bombardments and incendiary acts against defenceless Palestinian people; and the number of casualties had risen as a consequence: over 3,450 Palestinians had died, including 760 children, with over 50,000 wounded.

48. Another factor that denied the Palestinian people their basic and fundamental rights to free determination was the creation of new facts on the ground, such as the network of illegal settlements and by-pass roads for illegal settlers, and the illegal building of a wall on land confiscated from the indigenous population throughout the occupied Palestinian territories, including east Jerusalem. Despite having been ruled contrary to international law by the International Court of Justice, construction of the wall was uprooting hundreds of Palestine civilians who were denied access to their lands, work, social services and, in many cases, their own homes. Lastly, the construction of the wall undermined the right to self-determination and rendered the two-State solution virtually impossible.

49. The Palestinian people had made historic compromises to exercise their inalienable rights and live in peace and dignity; the speaker therefore urged the international community not to lose sight of the fact that the occupation remained the most pervasive cause of all violations and injustices committed against the Palestinian people. As such, the occupation had to be brought to an end to enable the Palestinian population to live a normal and free life in the independent State of Palestine, with East Jerusalem as its capital.

50. **Mr. Neil** (Jamaica), referring to the remarks made by the representatives of Qatar on behalf of the Group of 77 and China, and Dominica on behalf of CARICOM, made a number of observations relating mainly to the implementation of rules established in conventions to which most States were parties, and the conclusions of conferences, particularly the Plan of Action of the Durban conference.

51. The Secretary-General's reports showed that discrimination and intolerance were on the rise, and that was a cause for concern. The speaker unreservedly supported the study requested by the Secretary-General into the political platforms that promoted or incited

racial discrimination, and the constructive recommendations it contained on the need to discourage all forms of racist propaganda, racial discrimination and xenophobia.

52. As regards the exercise of freedom of expression, the expansion of communications media, including the Internet, had laid them open to abuse, including the use of such media to disseminate racist propaganda. A balance needed to be restored in democratic societies, and steps needed to be taken to ensure that freedom of expression was exercised responsibly.

53. In relation to the function of non-governmental organizations, the Speaker believed that collaboration with such organizations should be strengthened, particularly because of the major contribution they had made in the past, for example in mobilization against apartheid.

54. Lastly, regarding the implementation of conventions and the conclusions of conferences concerning the fight against racial discrimination, he recalled that the abolition of slavery had been celebrated in 2000, and the bicentenary of the independence of Haiti had been commemorated in 2004. Attention should also be drawn to the activities of the Working Group of Experts on People of African Descent, in defence of those that had suffered from the aftermath of racism. In the framework of implementation of the Durban Plan of Action, the speaker reaffirmed his support for the corrective measures established in the declaration, in order to suppress the legacy of racism and historical injustices.

55. **Mr. Kazykhanov** (Kazakhstan) began by saying that his country, which was a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, wholeheartedly supported the activities of the international community aimed at eradicating such phenomena, in accordance with recommendations of the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Republic of Kazakhstan was a multiethnic and multicultural state, with some 130 ethnic groups, 45 religious confessions and numerous ethnocultural and linguistic groups living within its borders. His Government was taking steps to ensure that all such groups participated in social life under equal conditions, and considered it a priority to combat social divisions arising from ethnic, racial and religious causes, to preserve traditions and cultures and offer new opportunities for their development. The main legislation prohibiting discrimination against national minorities included the Constitution, which guaranteed equality for all ethnic groups in the country; the Law on Public Service, which prohibited discrimination on grounds of race, ethnic origin and language against persons wishing to enter the civil service; and the Law on Culture, in which article 4 prohibited propaganda and advocacy of racial and ethnic superiority.

56. Kazakhstan had created a unique institution of social accord, the Assembly of the Peoples of Kazakhstan, whose strategic purpose was to strengthen inter-ethnic relations, promote full development of national cultures and foster the interests of national minorities in preparing and implementing public policies and social consensus programmes. Sociological monitoring showed that inter-ethnic relations were evolving positively, thanks to an educational, cultural and linguistic environment that was appropriate for all national minorities. In areas where national minorities predominated, there were ethnic schools, along with ethnic and cultural centres offering language classes and courses on ethnic traditions and ceremonies. There were also theatres for ethnic minorities, and newspapers, magazines and books in minority languages. The Constitution and other relevant laws recognized the right to study and use mother tongues, and article 6 of the Law on Languages recognized the right of every citizen to freely choose their language of communication, education, teaching and artistic expression.

57. The leadership of Kazakhstan was pursuing systematic policies aimed at promoting the interests of all ethnic groups in the country and harmonizing inter-ethnic relations. Such policies, which enjoyed the support of most civil institutions and citizens and cooperation from the international community, including the Organization for Security and Co-operation in Europe, offered a solid foundation for further stabilization of inter-ethnic relations in the country. Kazakhstan had created all the conditions needed to revitalize the culture of its population groups, and had established permanent and friendly dialogue between all ethnic and confessional groups living in the country. Since the break up of the Soviet Union, there had not been a single conflict based on ethnic origin, religion or race in Kazakhstan. Civil peace was the main accomplishment of its populations.

and it needed to be preserved and strengthened for the benefit of future generations.

58. **Ms. Thandar** (Myanmar) began by endorsing the declaration formulated by the representative of Qatar on behalf of the Group of 77 and China. She then praised the comprehensive and inclusive approach taken by the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his report entitled "Fight against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action". Nonetheless, she questioned the accuracy of a number of the figures contained in the report.

59. Her country believed that, while racism had reached its zenith during the colonial period, the end of colonial domination had brought phenomenon. The Third Decade to Combat Racism and Racial Discrimination, which ended last year, and the Durban Declaration and Programme of Action, were important milestones in the fight against racism and racial discrimination. Myanmar condemned racism and racial discrimination, xenophobia and related forms of intolerance whenever and wherever they occurred.

60. Myanmar was a nation of many nationalities, which recognized the equality of its citizens, regardless of race or religion. Although during its century of domination the colonial power had made widespread use of the "divide and rule" policy, the overwhelming majority of the nationalities of Myanmar had chosen to remain in the Union at the time of independence. Post-independence armed insurgencies had been motivated by colonial, ideological and economic ideals, and were not related to racism or racial and religious discrimination. The various races of Myanmar had lived together and interacted harmoniously for centuries. Contrary to the claims made in the report of the Special Rapporteur, the Kayin (Karen) people were not subject to exclusion or persecution. The Kayin people were the second-largest ethnic group in Myanmar, and, apart from living in the state of Kayin were also spread across the country's other states and territories. The state of Kayin, was in turn home to members of other racial groups such as the Bamar, the Pao, the Mon or the Rakhine. The same was true of the Shan people, whose members lived not only in the state of Shan – the largest in Myanmar, which also had multi-ethnic representation – but also in the country's other states and territories. Myanmar was a Union of 135 races, all of them indigenous. The references to the races of Myanmar contained in the report on racism and racial discrimination were totally unjustified and presumably politically motivated, for which reason they should never have been included in the report.

61. **Ms. Majali** (Jordan) noted that the international community had collectively affirmed the right to self-determination and its application to peoples under colonial or foreign occupation, as enshrined in the United Nations Charter, international covenants on civil and political rights and on economic, social and cultural ones, and the Vienna Declaration and Plan of Action of 1993. The international community had also recognized the right of the Palestinian people to self-determination, which was based on international law, legitimacy and numerous international declarations, particularly General Assembly resolutions 181 (II), of 29 November 1947, and 194 (III), of 11 December 1948. Jordan welcomed Security Council resolution 1397 (2002), of 12 March 2002, and subsequent resolutions supporting the vision of the Middle East based on two States, Israel and Palestine, living side by side within secure and recognized boundaries. It once again reiterated its full support for exercise of the right to self-determination of the Palestinian people on their own national soil, and the establishment of an independent Palestinian State with Jerusalem as its capital.

62. The tragic escalation of violence and resulting serious human rights violations, described by the Special Rapporteurs on the situation of human rights in the Palestinian territories and on the right to food, were a direct consequence of the military occupation and violations of international law by the occupying power. The Palestinian people continued to be deprived of their inalienable right to self-determination, and were enduring numerous and constant violations of human rights and international humanitarian law. Those included repression and collective punishment, indiscriminate and disproportionate use of force, settlement building and, more recently, construction of a wall of separation that consolidated further Israeli occupation of Palestinian territories and jeopardized Palestinian national interests, thereby undermining the possibility of establishing a viable Palestinian State and, ultimately, the achievement of peace. Although all States, including those of the Middle East, had the right

to live in peace within secure and internationally recognized borders, peace and security in that region would not be achieved through military force, but by bringing to an end the occupation and subjugation of the Palestinian people and their land, and implementing United Nations resolutions, including Security Council Resolution 1397 (2002), which called for a two-State solution. To that end, Jordan expected the Government of Israel to fulfil the obligations under the Quartet-backed Road Map for Peace in the Middle East, officially endorsed by Palestinians and Israelis at the Aqaba Summit, which envisaged the establishment of an independent Palestinian State by 2005, and set forth clear principles and mechanisms for a just and lasting settlement, namely: two secure States, with their respective capitals in Jerusalem, Israeli withdrawal from the Palestine territories, dismantlement of settlements, and an agreed solution to the refugee problem.

63. In conclusion, Jordan called upon the Government of Israel to take all necessary steps to end the current situation of crisis and violence in the occupied Palestine territory, resume peace talks, and implement all relevant United Nations resolutions, in particular concerning the wall, and the advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the occupied Palestinian territory, namely that such construction seriously violated the right of the Palestinian people to self-determination.

64. Jordan also called upon the international community, including the Quartet, to address the tragic current circumstances and secure a resumption of the peace process.

65. **Ms. Alhaj Ali** (Syrian Arab Republic) expressed her country's support for the declaration formulated by Qatar on behalf of the Group of 77 and China, and expressed concern at the resurgence of racism, which was currently harnessing, for political purposes, the new information and communication technologies and global media to project a distorted and erroneous image of certain cultures and religions, under the concept of "conflict of civilizations". Actions and terms such as those were fuelling hatred against certain groups and were undermining peace and stability throughout the world. Nonetheless, the Syrian Arab Republic was confident that it would be possible to counteract that trend by fulfilling commitments assumed and specified in international instruments and implementing the Durban Programme of Action, demonstrating the necessary political will to energetically reject all manifestations of racism and racial discrimination worldwide. Having made a careful study of reports submitted on the fight against racism, racial discrimination, xenophobia and related intolerance, and comprehensive implementation of and follow up to the Durban Declaration and Programme of Action, the Syrian Arab Republic believed a balance needed to be struck between the need to guarantee respect for those commitments to achieve the Durban objectives, and the advisability of not focusing excessively on a specific region or issue. Future reports should take account of general progress achieved in implementation of the Durban Programme of Action, and not confine itself exclusively to certain aspects.

66. All Member States of the United Nations were fully aware of the serious deterioration of the situation in the Middle East, as a consequence of the measures adopted by Israel in its role as occupying power, which were in contravention of international law and undermined the rights of citizens in occupied Arab territories. In this regard, it was appropriate to mention the construction of a racist separation wall and extension of illegal settlements in the occupied Arab territories of Palestine and the Syrian Golan Heights. Moreover, Israel had expelled Arab citizens from the land in which they lived in order to alter their demographic composition; and Israeli political and religious leaders were constantly making racist statements against Arabs and Muslims.

67. The right to self-determination was enshrined in the United Nations Charter, General Assembly resolutions such as 1514 (XIV), of 14 December 1960, and the corresponding provisions of international conventions on civil and political rights and on economic, social and cultural rights. The Syrian Arab Republic lamented the fact that so far, the United Nations had been incapable of averting the oppressive and arbitrary measures adopted by the occupying power, Israel, against the Palestinian people, thereby preventing them from exercising their right to self-determination. The Syrian Arab Republic had always given political asylum to people who needed it, offering them equal rights with Syrian citizens. It had also been one of the first countries to adhere to conventions against racism and to commit to their implementation. Peace and security in the Middle East, a genuine barometer of peace and stability worldwide,

would only be achieved when the illegal Israeli occupation of Arab territories was brought to an end, and the Palestinian people were allowed to exercise their right to self-determination and establish an independent State on their land, with Jerusalem as its capital. The United Nations was called upon to play a key role in that regard to enable peoples to exercise their right to self-determination, despite attempts to keep it on the sidelines of the fight against racism and racial discrimination throughout the world.

68. **Mr. Mammadov** (Azerbaijan) began by stating that his country had always supported the norms and principles of international law, including the right of peoples to self-determination. Those rules and principles constituted the basis of the foreign policy of Azerbaijan. The speaker went on to argue that principles of sovereignty and territorial integrity, on the one hand, and self-determination, on the other, were not contradictory, but mutually complementary when applied in accordance with the United Nations Charter. In relation to the conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan, there was no conflict whatsoever between those two principles, because the right to self-determination was not applicable to the Armenian population living in that region, for two reasons: Armenians had exercised their right to self-determination in the framework of the current State, and the Armenian population of the Nagorno-Karabakh region was a minority living in the territory of a sovereign State.

69. In the decisions adopted by international organizations in relation to the dispute between Armenia and Azerbaijan, account had been taken of the relevant norms of international law, in particular the rights of persons belonging to minorities and the principle of the territorial integrity of States. Occupation of part of Azerbaijani territory by Armenia in 1993 had led the United Nations Security Council to address the problem and pass four historic resolutions reaffirming respect for the sovereignty and territorial integrity of the Republic of Azerbaijan. Those resolutions rendered any dispute over the State to which Nagorno-Karabakh belonged, or the right of its population to secede, a completely futile and senseless exercise.

70. The decisions of the Organization for Security and Co-operation in Europe (OSCE) had offered a legal foundation for solving the conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan, in accordance with the aforementioned Security Council resolutions. At the Lisbon Summit of 1996, for example, the sitting OSCE president had put forward three principles for solving the conflict: territorial integrity of Armenia and Azerbaijan; the highest possible level of self-rule for Nagorno-Karabakh within Azerbaijan; and guaranteed security for Nagorno-Karabakh and its whole population. Those principles had been supported by all OSCE member States, except Armenia, which had prolonged the conflict and obstructed its solution.

71. The conflict between Armenia and Azerbaijan had also been considered by the Council of Europe, whose Committee of Ministers had stated that the solution should be based on the rule of law, democracy, respect for human rights and the rights of minorities, and the inviolability of frontiers, in addition to territorial integrity and respect for human rights and fundamental freedoms. In 1997, the Parliamentary Assembly of the Council of Europe had adopted a resolution declaring that the conflict in and around Nagorno-Karabakh should be the subject of negotiations between the parties, bearing in mind, in particular, the principles of the inviolability of frontiers and the broad status of self-rule in the region.

72. The decisions of international organizations did not prejudge how to solve the conflict, which would have to be based on the restoration and strict maintenance of the territorial integrity of Azerbaijan, and on preservation and encouragement of the identity of the Armenian minority living on its territory. In that context, his Government had repeatedly expressed a willingness to grant Nagorno-Karabakh the highest degree of self-rule within Azerbaijan. Nonetheless, it would be very hard to solve the conflict so long as one of the parties to the conflict continued to ignore the efforts made by the other, and relevant decisions taken by international organizations, especially the Security Council, and persisted in attempts to impose on the international community its own interpretation of the norms and principles of international law, including the right of peoples to self-determination.

73. **The Chairwoman** at that point opened a period for statements in exercise of the right of reply pursuant to Article 115 of the Rules of Procedure of the General Assembly.

74. **Mr. Jegermanis** (Latvia), speaking in exercise of the right of reply, said that earlier in the meeting the representative of the Russian Federation had made completely unfounded, unfriendly and inappropriate statements about Latvia. Although official rhetoric of that type had formed part of Russian foreign policy ever since Latvia had regained its independence, it was nonetheless a total distortion of the reality of his country, which had made progress on human rights that had been recognized by practically all international and regional organizations, such as the European Union, OSCE and the Council of Europe. It was discouraging that the opinions expressed by the Russian Federation increasingly diverged from those of international organizations, human rights experts and other States. Instead of encouraging national minorities to make efforts to integrate into Latvian society, the Russian Federation was doing everything possible to complicate the process.

75. Nonetheless, Latvia was grateful to the Russian Federation for its efforts to draw the attention of the international community to the problem of racism and intolerance, for the situation in the Russian Federation had indeed deteriorated. Youth organizations were proliferating, some of which received financial support from political parties; xenophobic attitudes were rife, and a significant percentage of the population professed anti-Semitic ideas.

76. Latvia was concerned at the increasing control exerted by the Government of the Russian Federation on communications media, its involvement in the activities of non-governmental organizations, and the growing centralization of power. Such measures were inconsistent with statements made by Russia earlier in the meeting regarding the importance of addressing problems of racism, xenophobia, anti-Semitism and intolerance. It was to be hoped that those concerns would lead to real measures being adopted domestically by Russian politicians, who all too often remained silent in the face of such phenomena.

77. **Ms. Kleitman** (Israel), speaking in exercise of the right of reply, stated that the so-called racist security wall was a misnomer, and added tendentious elements to an already complex conflict. In that regard, the speaker noted the dissenting opinion attached to the advisory ruling of the International Court of Justice on that issue, which stated that it was not the wall that represented a serious impediment to the exercise of the right to self-determination, but the problems stemmed from lack of capacity or will among the parties to take steps to resolve it.

78. One delegate had said earlier that the simplest way to resolve the problem would be to end the occupation. But the conflict was not simply one-dimensional. Israel wanted to resolve the question of the disputed territories, and in 1993 had embarked upon measures to that end trusting in the good faith of the Palestinian leaders. Areas of agreement had been identified, and Israel had hoped to hold negotiations on permanent status. The Palestinians had solemnly undertaken to actively fight terrorism, put an end to incitement and confiscate illegal weapons. Nonetheless, the reality had been very different, and in that regard, the speaker would have liked to hear Arab speakers clearly and unequivocally condemn terrorism and bomb attacks perpetrated against civilians.

79. **Ms. Aghajanian** (Armenia), also speaking in exercise of the right of reply, said that the allusion made by Azerbaijan to supposed military aggression by Armenia was captious. The issue had never been between Armenia and Azerbaijan, but between Azerbaijan and Nagorno-Karabakh. The situation was the result of a decision by Azerbaijan to use military force to repress the legitimate, just and peaceful attempt by the people of Nagorno-Karabakh to exercise their right to self-determination as guaranteed by international law and the United Nations Charter.

80. The speaker noted that Azerbaijan often misquoted Security Council resolutions, but before interpreting them in the way that best suited their point of view, the representatives of Azerbaijan would be well advised to read such resolutions carefully, because they recognized Nagorno-Karabakh as party to the conflict.

81. It had been said that the people of Nagorno-Karabakh did not have the right to self-determination. In fact, Nagorno-Karabakh had been subjected to the jurisdiction of Azerbaijan by force, so it had never been deprived of its inherent right to self-determination. It had never been part of an independent Azerbaijan, and it was not so now. To support his argument, the speaker cited a memorandum of the Secretary General of the League of Nations, of 1920, which referred to Azerbaijan as a trans-Caucasian territory that had previously formed part of the Russian provinces, but had never been a

State the Republic of Azerbaijan had been denied admission to the League of Nations.

82. To explain its opposition to the independence of Karabakh, Azerbaijan had invoked its territorial integrity, yet such claims did not appear to be legally valid. Prior to Soviet domination, Azerbaijan was not a de jure State, nor did it exert de facto control over the territories it laid claim to. In 1921 the Soviet Republic of Azerbaijan had been created as an administrative unit within arbitrarily defined borders that embraced the lands of various national groups. Prior to the collapse of the Soviet Union in 1992, the borders of the Soviet Republic of Azerbaijan were merely administrative, so it was impossible to apply to them the principle of territorial integrity defended in the Helsinki Final Act; nor, therefore, could it be argued that Karabakh had violated that principle.

83. **Mr. Lukyantsev** (Russian Federation), speaking in exercise of the right of reply, recalled that the Latvian delegate had claimed that the statement made by the Russian Federation about Latvian legislation was totally unfounded. The speaker invited the representative of Latvia to make a careful study of the documents prepared by international experts on human rights, together with observations made by the United Nations Commission on Human Rights and the United Nations Committee on the Elimination of Racial Discrimination following the debate on the periodic report on Latvia, together with the corresponding recommendations.

84. **Ms. Rasheed** (Palestine) said that the Israeli representative had spoken at length about peace and the solution proposed in the Road Map, but the Prime Minister of Israel had stated that he was not even willing to negotiate, and that the only initiative possible was the separation plan. According to the Israeli representative, the separation plan showed that his Government did not wish to dominate the Palestinian people and recognized their right to self-determination. That was very hard to believe, however, since the occupying power had shown that it was not interested in peace and only sought to perpetuate the submission of another people and its territory through continuous acts of aggression, expansion and annexation.

85. The Government of Israel had hijacked the concept of security, applying it solely to Israelis and depriving the Palestinian people of all aspects of personal, political, legal, territorial, historical, cultural, economic and even human security. The Israeli representative had reaffirmed that the construction of the expansionist wall, or "fence", as the Israeli Government calls it, was a security measure to prevent terrorism. That was not only illogical and lacking in credibility, but also represented a repeat of the same lie and pretext that had been used by Israel over the years to perpetrate all its crimes against the Palestinian people. It was important to remember that Israel had repeatedly used the pretext of security to justify illegal settlements on occupied Palestinian territory. In reality, the whole question revolved around a single issue: land – Palestinian land – and Israeli aims to expand and illegitimately conquer more land at the expense of the Palestine people and their rights, including the right to self-determination. The pretext alleged by the Government of Israel for building the wall was therefore entirely baseless. Suicide attempts perpetrated by Palestinians, alone or in groups, against civilians in Israel were to be condemned. There was no justification for such terror; nor for the State terrorism perpetrated by Israel against Palestinian civilians, who are living under occupation as hostages. Nonetheless, such violence had not emerged out of nothing, but had a direct and identifiable origin: the stranglehold of Israeli occupation and its cumulative effects. The only real solution was a negotiated and just political solution; not a military solution, or an unfair solution imposed unilaterally.

86. **Mr. Mammadov** (Azerbaijan), replying to the most important issues raised by the representative of Armenia, stated that it was Nagorno-Karabakh and not Armenia that had occupied the Azerbaijani territories; for it would have been impossible for the 100,000 Armenians living in Nagorno-Karabakh to have occupied 20 per cent of a country consisting of 7 or 8 million inhabitants. In response to the claim that Nagorno-Karabakh had never formed part of Azerbaijan but had been forcibly annexed by Stalin, he stated that Karabakh had always been part of historical Azerbaijan and had been populated by Azerbaijanis. In 1918 Armenia had proclaimed its independence and asked the Government of Azerbaijan to yield land to enable it to establish its own State; in solidarity, the Government of Azerbaijan had ceded territory on the understanding that in the future the two neighbouring countries would be linked and that Yerevan would become the capital of the current Armenian State. The decision by the Soviet Union in 1923 to

keep Nagorno-Karabakh in Azerbaijan was not imposed by force, because that territory was already a de jure part of Azerbaijan, as had been recognized previously by the League of Nations.

87. **Ms. Aghjanian** (Armenia) stated that as Yerevan had been established in 782 BC, its territory could not have been gifted to Armenia by Azerbaijan. Those were the historical facts which could be easily proven, unlike the reinvented history being presented by Azerbaijan.

88. **Mr. Mammadov** (Azerbaijan) reiterated his previous position.

The meeting rose at 12.15 p.m.

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Summary record of the 39th meeting
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Chairman:	Mr. Kuchinsky	(Ukraine)
later:	Ms. Groux (Vice-Chairman)	(Switzerland)
later:	Mr. Kuchinsky	(Ukraine)
later:	Ms. Groux (Vice-Chairman)	(Switzerland)

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04-59722 (E)

The meeting was called to order at 2.40 p.m.

Agenda item 100: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (A/59/12 (Supp.), A/59/12/Add.1 (Supp.), A/59/317, A/59/425 and A/59/554)

1. *Ms. Groux (Switzerland), Vice-Chairman, took the Chair.*

2. **Mr. Lubbers** (United Nations High Commissioner for Refugees), introducing his report (A/59/12 and Add.1), welcomed the adoption of General Assembly resolution 58/153 and urged Member States to implement it. One of the crucial elements in strengthening the Office of the United Nations High Commissioner for Refugees (UNHCR) in 2005 and beyond would be the forging of partnerships from a new perspective, bearing in mind that global humanitarian needs far exceeded the resources and mandate of UNHCR. UNHCR had made significant strides towards that goal in 2004 and its collaboration with the Department of Political Affairs and the Department of Peacekeeping Operations (DPKO) had served to highlight the critical link between forced population displacement and international peace and security.

3. The issue of the physical safety of returnees and displaced persons was being incorporated in the mandates of peacekeeping missions and that practice would be expanded in 2005. UNHCR also looked forward to the establishment of a more coherent disarmament, demobilization and reintegration strategy under the leadership of DPKO. The purpose of reintegration was not only to give former combatants the prospect of a new life, as was being done for refugees and internally displaced persons (IDPs), but also to invest in security and in preventing the recurrence of conflicts, since idle men and women could take up arms again.

4. UNHCR was fully committed to the process of integrating United Nations missions and, for that purpose, had concluded a staff exchange agreement with DPKO in 2002. Already, it had seconded a senior staff member to DPKO and another to the Office for the Coordination of Humanitarian Affairs to work on the collaborative approach to IDPs, another key area of inter-agency cooperation, and in that regard it supported both the Emergency Relief Coordinator and the United Nations Country Teams (UNCTs).

5. The United Nations Development Group (UNDG) had recently finalized a Guidance Note on durable solutions for displaced persons. For the first time, a common policy had been adopted on durable solutions and their incorporation into planning and implementation strategies. UNCTs now had a helpful tool for preparing Common Country Assessments and United Nations Development Assistance Frameworks (UNDAFs). Since UNHCR had joined UNDG, it had been integrating the Millennium Development Goals into its activities, especially Goal 8 which called for a global partnership for development, by promoting multilateral partnerships on durable solutions and burden sharing. Much remained to be done to include the needs of refugees, returnees and IDPs in development programmes.

6. Poverty Reduction Strategy Papers (PRSPs) were also an important tool and he had agreed to join forces with the President of the World Bank to ensure that displacement issues, in particular the productive capacity of returnees, were included in PRSPs. Recently, UNHCR had become the tenth co-sponsor of the Joint United Nations Programme on HIV/AIDS (UNAIDS) and would thus be able to advocate more effectively for the integration of refugees into the HIV/AIDS control programmes of host countries.

7. The role played by non-governmental organizations (NGOs) could not be overlooked. UNHCR relied on hundreds of local and international NGOs to implement and bolster its work and had introduced measures that would give them an expanded role in its protection and programming activities. The goal was to involve traditional and new partners in resource mobilization, programming, operations and protection for the people of concern to UNHCR.

8. Solid donor support and improved financial management had contributed to greater budgetary stability, so that the financial situation of UNHCR was better than it had been for years. Nevertheless, UNHCR had had to launch several emergency appeals and would enter 2005 with more projects to fund than had been the case in 2004, underscoring how precarious its funding situation remained.

9. The emergencies in Chad and West Darfur were undoubtedly the largest crises that the international community was currently facing. As in similar

situations of sudden population displacement, UNHCR fulfilled a key role by assisting the victims of violence, delivering aid and establishing camps. The Secretary-General had also given UNHCR responsibility for the protection and return of IDPs in West Darfur. To that end, UNHCR was linking up with the African Union, the Office of the United Nations High Commissioner for Human Rights (UNHCHR), the International Committee of the Red Cross and many NGOs and interceding with local authorities to rebuild victims' confidence before planning for their return.

10. The five commitments of UNHCR to refugee women, which should be upheld from the inception of an operation, became a major challenge to put into practice during sudden and large influxes, as in Chad, when the prime focus of UNHCR and its partners was on saving lives. UNHCR had therefore hired an independent gender expert who had joined the operation in eastern Chad from June to September. Her analysis and numerous recommendations would guide the work of UNHCR in that region and elsewhere.

11. UNHCR had also been given responsibility for the protection and return of IDPs in Myanmar, where mobile teams had gained access to border areas. Those teams were also improving conditions in villages of origin so that refugees could eventually return from Thailand. In Africa, return was already happening on a large scale in Angola, Burundi, Eritrea, Liberia and Sierra Leone. Each operation posed a particular challenge but common to all was the need for commitment to reconstruction in order to break, once and for all, the cycle of violence. Afghanistan was an example of the need to follow return with reintegration. More than 3.5 million Afghans had returned home over the three preceding years and it was essential for reintegration projects to be sustained in each province and district.

12. In South-East Europe, Bosnia and Herzegovina had best exemplified that need by recording its millionth returnee a few weeks previously. UNHCR would continue to support local integration and ensure the right to return of everyone who so chose, but the extra effort required to cement the stability of the region depended more on firm political and economic ties. That was why he had urged the European Union to consider the prospect of eventual accession to it of all parts of the former Yugoslavia.

13. In other regions, UNHCR operations were still far from achieving success. Insecurity continued to hinder efforts in Iraq and the northern Caucasus. For the foreseeable future, many points of the globe where UNHCR staff must reach people in need would remain high-risk areas. UNHCR had taken measures which would complement the anticipated United Nations system-wide changes so as to improve its ability to perform while minimizing risks.

14. Protracted refugee situations, which had lasted for more than five years, were a different type of obstacle. Palestinians represented the oldest refugee group under United Nations care, just ahead of refugees from Western Sahara. Comprehensive plans of action for repatriation, self-reliance in host countries and more resettlement solutions were needed. Recent developments in Somalia showed that solutions existed, but that country would succeed only if strong support was provided on the ground by the African Union and the United Nations. UNHCR would use the commemoration of the twentieth anniversary of the Cartagena Declaration to draw attention to the plight of displaced Colombians and to resettlement in Latin America.

15. More generally, the current period was a crucial time for UNHCR. In the span of a few years, refugee protection had become a polarizing issue, with fears of economic migrants, human trafficking and the terrorist threat dominating much of the debate in developed countries. It was of little comfort to observe that such attitudes had hardened at a time when global refugee numbers had declined significantly: the number of people of concern to UNHCR now stood at 17 million, down 10 million since the mid-1990s. Beyond all those fears lay a genuine danger to the institution of asylum, prompting UNHCR to refocus on protection. He had proposed the creation of a second Assistant-Secretary-General post in UNHCR, to be encumbered by an Assistant High Commissioner for Protection. The creation of that post would contribute qualitatively to the way UNHCR carried out its protection mandate and would coincide with more protection on the ground.

16. Against the backdrop of heightened border controls, UNHCR had moved forward on its Agenda for Protection by providing substantive assistance to multilateral efforts to preserve asylum space and addressing the stages of displacement from countries of origin through methods of transit. The current situation in Europe, where new European Union border States

struggled with the number of arrivals and human dramas played out in the Mediterranean, made a compelling case for the tasks UNHCR had set itself. He believed that any solution to the Mediterranean issue must necessarily include enhanced protection capacity in North African countries as well as clear policies for handling individuals intercepted on the high seas or who had managed to enter member States of the European Union.

17. UNHCR recognized that irregular secondary refugee movements were at the root of the more restrictive policies adopted by many States. The world could not remain indifferent to the plight of people who were lured into human trafficking. He deplored the fact that UNHCR was regularly denied access to such persons. International legal protection was not only in the interest of refugees but was also in the best interest of States and their security. Through early registration of asylum-seekers, timely protection and durable solutions, UNHCR was best placed to combat irregular secondary movements and to contribute to State security and the prevention of terrorism.

18. His message to developed countries was that a contribution to refugee programmes was an investment in a chain of solutions. Every dollar invested in the resettlement of refugee families was multiplied by its effect on a series of others. To view the refugee problem in isolation was to overlook an integral part of the solution to such major current issues as underdevelopment, insecurity and the threat of terrorism. UNHCR was addressing the issue of irregular secondary movements of refugees and asylum-seekers as part of its Convention Plus initiative. It had set out elements, such as the allocation of responsibilities among States for refugees and asylum-seekers who moved through several countries, which could be developed into a multilateral agreement on key issues to reduce those flows. The initiative had already delivered tangible results in the form of the Multilateral Framework of Understandings on Resettlement which had been completed in June 2004 and then endorsed by the Executive Committee and now needed to be put into practice. A Comprehensive Plan of Action had been proposed for Somali refugees and UNHCR was examining other situations where such plans could be applied.

19. The targeting of development assistance was the third component of the Convention Plus initiative. The Economic and Social Council had specifically encouraged States to support and fund the implementation of the "4 Rs" initiative to facilitate the transition from relief to development and links were gradually being forged between development assistance and refugees. The needs of refugees in Uganda and Zambia had become an integral part of development planning, providing a model for other countries.

20. UNHCR was making genuine headway and was genuinely sharing with States the ownership of such initiatives as Convention Plus, the Agenda for Protection and the "UNHCR 2004" process. The tools it had developed combined protection with durable solutions while sharing the burden of refugee protection. With support from Member States, UNHCR would be able to continue that course which had already helped restart millions of lives.

21. **Mr. Bâzel** (Afghanistan) said that a large number of refugees had been repatriated in Afghanistan during the past two and a half years, and that his country's experience had shown that building up infrastructure and basic services, creating employment opportunities and demining were vital for successful repatriation. A clear line could not be drawn between humanitarian operations and development activities. Moreover, reconstruction and rehabilitation were essential for the reintegration of repatriated refugees and stability. His delegation agreed with the High Commissioner that the international community's support and cooperation were essential to ensure the sustainability of refugee repatriation movements through post-conflict reconstruction processes.

22. **Ms. Ndhlovu** (South Africa), after referring to her country's experience in developing peace processes in Africa, said that such processes should be closely linked to sustainable repatriation and reintegration programmes for refugees so as to avoid creating conditions that favoured instability, which would in turn undo all the hard work that had gone into the peace processes in the first place. She asked whether the High Commissioner was planning to establish a follow-up mechanism to the Dialogue on Voluntary Repatriation and Sustainable Reintegration mentioned in the report and, if so, what form it would take and when it would begin.

23. **Mr. Prica** (Bosnia and Herzegovina) expressed appreciation to UNHCR for its commitment to his country; the one millionth refugee had been repatriated

several weeks earlier and Bosnia and Herzegovina was therefore very close to fulfilling all the provisions of Annex 7 of the Dayton Peace Agreement. Referring to paragraphs 37 and 43 of the report, he said that almost 95 per cent of all cases regarding property return had been solved and the Commission for Real Property Claims of Displaced Persons and Refugees was very close to completing its work. After recalling the three key concepts mentioned in paragraph 25 of the report, he asked what further efforts the High Commissioner envisaged in the context of the Framework for Durable Solutions and what form UNHCR activities would take in Bosnia and Herzegovina in the forthcoming years, given the significant improvement in many areas.

24. **Mr. Zoumanigui** (Guinea) reiterated the representative of South Africa's request for clarification concerning repatriation. He noted that chapter VII of the report mentioned an increase in overall donor contributions, which was encouraging, as well as follow-up to the adoption in 2003 of a General Assembly resolution encouraging UNHCR to continue its efforts to expand its donor base and diversify its funding sources, and the announcement of nine new Government donors. His delegation wished to know how UNHCR planned to "redistribute" the new funding and pointed out that Guinea had received a large number of refugees, whose presence had entailed consequences for, inter alia, the environment, security, the economy and society as a whole.

25. **Mr. Shimamori** (Japan) said that, in addition to protection and assistance, it was important to empower refugees so that they could become self-reliant and participate in national development, with a view to finding a durable solution. Echoing the comments made by the representative of Afghanistan, he stressed the importance of close cooperation between UNHCR and development agencies, and asked the High Commissioner to elaborate further on how the inclusion of UNHCR in UNDG had facilitated that cooperation.

26. **Mr. Nieuwenhuis** (Netherlands) welcomed the appointment of an Assistant High Commissioner for protection and the adoption of the Agenda for Protection, and asked for further information regarding cooperation between UNHCR and other entities of the United Nations system.

27. **Mr. Lubbers** (United Nations High Commissioner for Refugees) said that he recognized the importance of the link between humanitarian operations and development activities, and of the concept of human security. The return of Afghans to their country was a stabilizing factor; he agreed that a follow-up mechanism needed to be set up. He congratulated President Karzai on his recent election success and said that he hoped to be able to visit Afghanistan himself to assist him in his efforts.

28. Responding to the representative of South Africa, he said that he believed that it would be of little use to organize meeting after meeting; it would be better to take advantage of existing instruments, which needed to be improved. The World Bank, for which development was a fundamental dimension of sustainable repatriation, considered the instrument par excellence to be PRSPs. On the advice of the President of the World Bank, UNHCR had looked closely at the place given to refugees in those strategies; it had found that their presence was minimal and that only a few countries mentioned the productive capacity and integration of refugees in their plans. Most other countries considered refugees to be a burden.

29. A second instrument warranting consideration was the eighth Millennium Development Goal. The implementation of all the Millennium Development Goals would be assessed in 2005 and refugees should be properly included when reviewing Goal 8, which concerned developing a global partnership for development.

30. The guidance note that he had mentioned when introducing the report was a third effective instrument that implied a collaborative approach, on the initiative of either the resident coordinator or the humanitarian coordinator.

31. Lastly, the New Partnership for Africa's Development (NEPAD) was a fourth instrument. He welcomed the African Union's efforts to develop plans to provide security for countries in which there was a lack of stability, but regretted that NEPAD was moving somewhat slowly. Rather than holding follow-up meetings, it would be more useful to improve the tools that were needed to make repatriation a sustainable process.

32. Bosnia and Herzegovina was a success story, as demonstrated by the repatriation of one million refugees; he was proud that his organization had been part of that success. More could still be done, however, for example with regard to return of property. He found

it a little strange that the European Union was more interested in the accession of Turkey than in that of Bosnia and Herzegovina, even though the latter was much closer. Accession was, of course, still a long way off; in the meantime, he hoped that economic ties would be increased between Bosnia and Herzegovina and the European Union with a view to developing various parts of former Yugoslavia. He was well aware of the enormous difficulties caused by tension between ethnic groups, as illustrated again recently by the failed referendum in the former Yugoslav Republic of Macedonia.

33. Responding to the representative of Guinea, he said that the funding situation of UNHCR was somewhat better and that the donor community seemed to be realizing that the work of UNHCR was very important not only for individuals, but also for preventing recurring conflicts, human trafficking, recruitment of child soldiers and terrorism. Each sum, however small, invested in the work of UNHCR was worth double its value. Some countries continued to be firm believers in bilateral cooperation and could not appreciate the value of multilateral efforts, while supporters of multilateralism wondered how they could continue to support UNHCR activities when those of DPKO already put a considerable strain on their resources. UNHCR was not in a crisis but the situation was nonetheless very difficult and he called on all countries to join forces. In that regard, he hoped that the countries belonging to the Mano River Union would together find a peaceful solution to the disastrous situation in Côte d'Ivoire.

34. Responding to the representative of the Netherlands, he said that UNHCR did not have a monopoly on protection, which, while a key element, was delivered more effectively through partnerships. Accordingly, the activities of UNHCR in West Darfur, as requested by the Secretary-General, were essentially being conducted in partnership with the African Union, UNHCHR and many non-governmental organizations, to ensure the physical protection and return of refugees. UNHCR also provided training in the area of protection, for people working for non-governmental organizations.

35. **Mr. La** Yifan (China) said that his delegation was well aware that the refugee problem in African countries was longstanding and had negative repercussions on development and economic stability. He praised UNHCR for all its efforts in that regard and noted that the High Commissioner indicated in his report that the number of refugees on the African continent had fallen in 2004. Given the new waves of refugees in other parts of the world, China wished to know what measures UNHCR intended to take to ensure that the international community would continue to concern itself with the question of refugees in Africa and that the resources allocated to finding a solution would not be reduced.

36. **Mr. Osmane** (Algeria) requested more information with regard to the High Commissioner's assertion, made when he introduced his report, that any solution to the Mediterranean issue must necessarily include enhanced protection capacity in North African countries.

37. **Mr. Lubbers** (United Nations High Commissioner for Refugees) said that he agreed that the African continent was not the only region of the world at stake; however, it was in Africa that the challenge was the most difficult in terms of repatriation programmes and new emergencies, for example. Africa needed greater stability, and peace must be encouraged in areas where there were conflicts. Africa had no need for new regular armies, as many countries already had sufficient forces. The question was whether the international community was prepared to share the burden of peacekeeping operations when they were needed — currently in Darfur, soon in Somalia and subsequently elsewhere. A mechanism must therefore be found whereby the international community, especially economically advanced countries, could fund operations on the ground, making use of Africans themselves. Furthermore, a solution could be durable in the context of repatriation only if it was based upon development, which in the case of Africa implied the need to reach beyond bilateralism to work in closer cooperation with NEPAD.

38. In response to the question put by the representative of Algeria, he explained that the North African States must accept the principle whereby refugees might arrive in their territories too. Some might well be economic migrants, but the possibility must not be excluded that others might truly be refugees. It was therefore necessary to have a mechanism that made it possible to determine which were the refugees and to find a solution to their situation, perhaps by resettling them, temporarily or otherwise, while awaiting the end of the conflict from which they had fled. He believed that, more and more

often. North African countries were transit countries, and reiterated that even if the transient status of most of the people arose from economic reasons, it was worth building capacity with regard to refugees.

39. **Mr. Owade** (Kenya) said that for many years his country had hosted thousands of refugees arriving from neighbouring countries, and was continuing to do so; in addition, it had undertaken various initiatives to assist in resolving a number of conflicts in the region. His delegation welcomed the increase in the resources of UNHCR during the period under consideration, but questioned whether such an increase would last. As a host country, Kenya was familiar with the difficulties caused by insufficient resources, and knew too that poor host countries had to cope with those problems. He asked to what extent allocation of funds to specific projects prevented UNHCR from using its resources in a flexible manner.

40. **Mr. Lubbers** (United Nations High Commissioner for Refugees) said that the financial situation of UNHCR was self-sustainable. It was essential to have available a basis of unearmarked funds, but contributions for specific projects were also necessary: what was needed was an "optimal blend".

41. **Mr. Meredov** (Turkmenistan) said that Turkmenistan cooperated actively with the international community, in particular with the United Nations and the specialized agencies working in the humanitarian sector. Such cooperation had resulted in a number of specific projects. The best example of such cooperation was the signature by his Government, in February 2004, of UNDAF for 2005-2009. In addition, in 2003-2004 alone, Turkmenistan had organized, in collaboration with United Nations agencies, approximately 70 conferences, seminars, round tables and other events, with the participation of State bodies and public organizations of Turkmenistan and other States, as well as officials and experts from international organizations. Joint projects had been conducted specifically with the purpose of ensuring the rights of women, children and refugees and the effective exercise of social and economic rights and freedoms, as reflected in the preparation and adoption of legislative acts and practical steps for their implementation.

42. In 1996 Turkmenistan had adopted a law that regulated in detail the legal status of refugees and defined the actions of State structures and public and international organizations, and their cooperation. During almost 10 years of cooperation between Turkmenistan and UNHCR and its office in Ashgabat, dozens of programmes and projects had come into existence, designed to create the best possible living and working conditions for refugees. They focused mainly on the allocation of housing and plots of land and access to jobs, education and health care.

43. Since gaining its independence, Turkmenistan had worked to create real guarantees of the exercise of the personal, political, economic, social and other rights of its citizens. With regard to personal rights, Turkmenistan had adopted laws, unique on the Asian continent, abolishing the death penalty and prohibiting searches of private residences or the adoption of unilateral decisions within the framework of criminal proceedings, as well as other statutory acts. Those laws had resulted in practical measures, such as annual large-scale amnesties granted by presidential decree, of which more than 9,000 persons, of whom 150 were foreign citizens, would be the beneficiaries in 2004.

44. In the humanitarian field, Turkmenistan was working to promote meaningful dialogue with international organizations, in particular the United Nations and the Organization for Security and Cooperation in Europe (OSCE). Since the beginning of 2004, Turkmenistan had taken a number of initiatives, which were currently bearing fruit, to broaden contacts with various international organizations. Thus, in January 2004, a special meeting on human rights questions had been held in Brussels between Turkmenistan and the European Union. In March 2004, at the invitation of Turkmenistan, a group of experts from UNHCHR had visited Ashgabat for one week to study the situation on the ground and opportunities for developing cooperation between Turkmenistan and UNHCHR.

45. While pursuing dialogue on humanitarian questions, Turkmenistan was consistently fulfilling its international obligations in the field of human rights. In January 2004 Turkmenistan had abolished exit visas, and the General Assembly had been informed officially. In addition, a presidential decree signed on 9 March 2004 guaranteed religious freedom to the citizens of Turkmenistan. That law had resulted in the registration of various religious groups and organizations, such as Baptists, Seventh-Day Adventists and members of the Hare Krishna movement. Registration for Catholics was currently

being considered. Furthermore, in May 2004 Turkmenistan had adopted a law abolishing criminal liability for unregistered activity by religious organizations and, in October 2004, a law excluding criminal liability for the activities of unregistered public organizations.

46. In keeping with its international obligations, in 2004 Turkmenistan had submitted to UNHCHR its reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. It would submit its report on the implementation of the Convention on the Rights of the Child by the end of 2004.

47. The leadership and representatives of UNHCHR, the States members of the Commission on Human Rights and the official representatives of the States members of the European Union, OSCE and other international organizations had been regularly informed of the measures described, which were proof of Turkmenistan's sincerity and openness in terms of cooperation. Against that background, Turkmenistan was deeply concerned by the introduction of a draft resolution on the situation of human rights in Turkmenistan (A/C.3/59/L.53), and did not understand the reasoning behind its introduction. He wished to stress that the representatives of the countries sponsoring the draft resolution, in particular States of the European Union, had not visited Turkmenistan or studied the situation on the ground. Turkmenistan believed that the draft resolution was biased and had absolutely no basis in reality; it was therefore counterproductive and hindered progress in the field of human rights. The sponsors of such documents were trying to put pressure on Member States, contrary to the principle of respect for States that was one of the dominant values upheld by the United Nations. A number of authoritative international organizations repeatedly condemned in their documents the use of human rights for political purposes; an example was the final document of the 12th summit of the Conference of Heads of State or Government of Non-Aligned Countries, held in Durban, South Africa, in 1998.

48. He urged Member States to vote against the draft resolution on the situation of human rights in Turkmenistan.

49. **Mr. Van den Berg** (Netherlands), speaking on behalf of the European Union, the candidate countries (Bulgaria, Croatia and Romania), the stabilization and association process countries and potential candidates (Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia), and Iceland, said that the European Union was pleased to note that the funding situation of UNHCR had improved slightly, and encouraged UNHCR to strengthen the management and efficiency of its operations worldwide.

50. After expressing his delegation's regret, as it did every year, about the deaths of men and women committed to the humanitarian cause, he said that although many refugees had gone home in 2004, especially in Africa and Asia, and others were preparing to do so before the end of the year, there was no reason for complacency: nearly 40 protracted refugee situations required urgent attention, and new crisis situations had emerged.

51. Recalling that the international community had been late to recognize the complexity and magnitude of the Darfur crisis, he said that better early-warning systems were needed. Although the international community had increased its efforts to save lives and to alleviate suffering, humanitarian actors still faced major challenges in carrying out their work on the ground. The European Union strongly condemned violations of human rights and of international humanitarian law, as well as the widespread violence, including sexual abuse, which had caused the displacements in Darfur. More than 200,000 refugees had crossed the border into Chad, a country the European Union wished to commend for the protection and assistance it had provided to the refugees. The international community must not allow the crisis to hamper the return of refugees and IDPs to southern Sudan, or for lack of progress in establishing peace and stability in the South to prolong the situation in Darfur.

52. The European Union was also seriously concerned about recent developments in the Great Lakes region, such as the ruthless attack on the Gatumba refugee camp in Burundi. It was actively engaged in efforts to ensure voluntary repatriation, under conditions of safety and dignity, and sustainable reintegration.

53. The European Union welcomed positive developments in other parts of the world, such as

Angola and Liberia. Since April 2002, some 250,000 refugees had left their host countries to return to Angola, and another 3.7 million IDPs had returned to their areas of origin. In West Africa, a three-year programme aimed at promoting and assisting the return of some 340,000 Liberian refugees who were scattered throughout the region before the end of 2006 had begun several weeks earlier. That was one of the largest voluntary repatriation efforts that had been carried out in that region.

54. The European Union called on all States involved in armed conflicts to protect refugee populations and facilitate access to such populations, and stressed the need to strengthen respect for and implementation of international humanitarian law, refugee law and human rights law. The donors who had participated in the Good Humanitarian Donorship Initiative, adopted in 2003 at the Stockholm Conference and confirmed in Ottawa in October 2004, had also made a strong appeal, one of the objectives of the Initiative being the protection of civilians and those no longer taking part in hostilities within the definition of humanitarian action.

55. At the request of the participants in the European Council in Thessaloniki in 2003, the European Union had presented, in June 2004, a communication explaining how it could contribute to improving access to protection and durable solutions. That document, which was now arousing a great deal of political attention, focused on closer cooperation within the European Union in the areas of resettlement, reinforcement of protection capacities in regions of origin, and more equitable sharing of responsibilities. The European Union would therefore develop regional protection programmes, initially on a pilot basis, aimed at addressing protracted refugee situations in close partnership with third countries concerned, UNHCR, and, where relevant, other international organizations. Such programmes would address the objectives set out in the UNHCR Convention Plus initiative, and would set the foundations for special agreements along the lines envisaged by the High Commissioner.

56. The achievement of the objective of more equitable burden- and responsibility-sharing with respect to refugees would require a better understanding between States and the joint search for the most effective ways to protect and assist refugees. A joint effort was needed, within the context of a frank, open dialogue, to find durable solutions; put the root causes debate more prominently on the political agenda; deal with the interests of returnees, refugees and host communities more coherently; and use financial resources as effectively as possible. The European Union believed that UNHCR should play a key role in that process.

57. The Constitutional Treaty adopted by the European Union provided for the establishment of a fully fledged common asylum system. In that regard, the European Union would present the Hague Programme on strengthening freedom, security and justice in the European Union to the European Council in November 2004; that Programme contained the policy agenda on migration, asylum and integration for the next five years. The development of the common asylum system would go hand in hand with a better reflection of refugee issues in the external policies of the European Union and the strengthening of partnerships with countries of first asylum.

58. The European Union welcomed the adoption of a number of important decisions and conclusions during the most recent meeting of the Executive Committee of the Programme of UNHCR, which would help to strengthen cooperation in protection and assistance matters worldwide.

59. Emphasizing the crucial importance of partnerships, he said that integrated planning, along with close coordination and cooperation between partners, would pave the way for a successful transition from relief operations to sustainable development. In that respect, the European Union welcomed the participation of UNHCR in UNDG and its support for the Emergency Relief Coordinator. It also attached the highest importance to inter-agency collaboration mechanisms, such as the Inter-Agency Standing Committee and welcomed the establishment, in 2004, of a partnership between UNHCR and UNAIDS.

60. The European Union attached great importance to monitoring and reporting on all aspects of gender and age mainstreaming, including the full implementation of the sexual and other gender-based violence guidelines. It was following the implementation of the action plan developed in response to the recommendations arising from the evaluations on refugee women, refugee children and community services, and welcomed the appointment by the High Commissioner of a senior gender adviser.

61. Noting that full funding of the UNHCR budget remained essential, he said that the European Union encouraged UNHCR to continue its efforts to broaden its donor base. The European Union was confident that donor participation in the formulation of country operations plans, as well as in UNHCR budget consultations, would contribute to more predictable and better funding. It encouraged UNHCR to continue to support needs-based programme planning, while taking into account in the budget the realities of likely resource levels. It welcomed the steps taken by UNHCR towards results-based management and encouraged it to set a clear time frame for its implementation.

62. By way of conclusion, he said that although the European Union was by far the largest contributor, its support to UNHCR was not just financial, but also political.

63. **Mr. Strømmen** (Norway), expressing the hope that the report submitted by the High Commissioner (A/59/12 and Add.1) would retain the attention of the international community and that the appeals for help to refugees would be heeded, said that while the number of persons of concern to UNHCR had declined considerably, there were still 7 million people caught in protracted refugee situations, and the duration of crises had increased significantly over the past few years. Too many children and young adults had known only refugee camps, and it was time for action. In that connection Norway welcomed the launching, earlier in 2004, of the campaign against the warehousing of refugees.

64. In the paper he had submitted in June 2004 on protracted refugee situations, the High Commissioner had indicated that while camps saved lives in the beginning, in the end they wasted those same lives. The international community had succeeded, at best, in providing refugees with a minimum of care and physical protection, but had failed to offer them a life of dignity or even the hope of such a life, which risked creating problems in the future.

65. There was little doubt that many of the restrictions placed upon the movement and employment of refugees violated their basic rights as set out in the Convention relating to the Status of Refugees, of 1951. Thus, refugees were being denied the right to live a free, dignified, and self-reliant life while waiting for a durable solution that in many cases did not materialize. The international community must rouse itself from its comfortable inertia and stop regarding it as inevitable that refugees should be used as pawns in prolonged conflicts and have their basic rights and their dignity violated.

66. UNHCR had taken an active lead in identifying and promoting durable solutions for refugees. In that connection, he reiterated how much Norway appreciated the High Commissioner's clear affirmation that durable solutions for refugees were an intrinsic part of his protection function, and that UNHCR would follow up with practical measures.

67. The protection mandate entrusted to UNHCR by the international community placed the High Commissioner in a special position to exercise international leadership in refugee matters. Norway welcomed his efforts to mobilize a broad international partnership that could not only meet urgent protection and assistance needs but also bring about durable solutions for refugees. Provided that it was applied throughout the United Nations system, from Headquarters to the field, the partnership approach would yield better results for refugees and help bring their refugee existence to an end. Norway commended UNHCR for its pioneering and catalytic role in developing innovative concepts that induced the various actors to pool their efforts to the benefit of refugees, host countries and, in cases of return, countries of origin.

68. The Convention Plus initiative was already a success in progress, and the Framework for Durable Solutions held great promise even for protracted refugee situations. Norway supported the idea of targeting additional development assistance to refugees and refugee-hosting communities, because such assistance could give new meaning to the lives of long-term refugees by allowing them to develop their productive capacities and better prepare them for durable solutions. That approach also benefited host-country economies and could play a part in poverty reduction and in meeting the Millennium Development Goals. It should therefore provide incentives for host countries to cooperate with donors and international financial institutions.

69. The international community could not expect to resolve the problems faced by refugees without also tackling the root causes of the conflicts that were the source of the problem. It should receive the full and

active cooperation of all parties to conflicts. By violating the fundamental rights of their fellow citizens, those parties created burdens, in particular for neighbouring States. The international community should be less hesitant about placing the refugee issue high on the agenda in its relations with the parties concerned. The 40 protracted refugee situations identified by the High Commissioner in his report bore witness to a widespread failure of those in power to live up to their responsibilities, at a terrible cost to millions of human beings.

70. Norway welcomed the High Commissioner's decision to conduct an annual review of all the protracted refugee situations with a view to formulating comprehensive plans of action, when conditions allowed, and stressed that the patience of the international community with regard to the refugee situation was running out.

71. **Mr. Selim** (Egypt) commended the success of UNHCR within the framework of the Convention Plus initiative and the Agenda for Protection, particularly the agreement regarding resettlement. Turning to the High Commissioner's report (A/59/12 and Add.1), his delegation wished to emphasize a number of crucial questions with a view to improving the effectiveness of humanitarian activities carried out by the international community and, in particular, the work of UNHCR on behalf of refugees.

72. With regard to the funding of its activities, UNHCR must be guaranteed the necessary resources in a timely manner, especially where the plight of refugees was worsening, mainly in Africa. Unearmarked funds must also be increased so that UNHCR would have more room to manoeuvre in taking the measures that it deemed necessary based on the assessment of the situation.

73. He stressed the need for burden-sharing with host countries, in particular by building capacity in developing countries that hosted refugees, by way of programmes with clearly defined goals designed to develop protection structures and mechanisms and improve the quality of life and living standards of refugees and the quality of services offered to them. At the same time, such programmes must deal with the negative effects of the presence of refugees on the economic, social and environmental situation of those countries.

74. While voluntary repatriation remained the best solution, particularly in Egypt, other options must be evaluated in the light of the refugee situation and that of the relevant host countries: the situation of developing countries striving to assure a minimum standard of living for their citizens could not be put on an equal footing with that of developed countries. Furthermore, one could not reasonably assess the responsibility of a host country with regard to refugee protection, pursuant to its international obligations, without taking into account the means at its disposal and the degree to which the international community was helping it to shoulder the burden.

75. Egypt had always hosted refugees to the extent of its resources and capacities. There were 22,000 persons currently registered by UNHCR as refugees in Egypt, and it was estimated that 3 million unregistered refugees were living within Egyptian society, without discrimination. Egypt did everything possible to provide refugees with essential services in the areas of education, health care and social welfare, but those services could be improved if the responsibility and the burden were shared.

76. Egypt would continue to cooperate closely with UNHCR and its office in Egypt, as it would continue to support the efforts of the United Nations and the international community as a whole to protect refugees. Egypt's efforts would be all the more effective as it had recently been admitted to membership of the Executive Committee of UNHCR.

77. **Mr. La** Yifan (China) said that his delegation was gratified that, as indicated in the High Commissioner's report (A/59/12 and Add.1), large numbers of refugees and IDPs had been able to return home, thanks to the concerted efforts of the international community, in cooperation with the High Commissioner, relevant Governments and humanitarian relief organizations, whether in Africa, South-East Europe, the Middle East or South Asia. Nevertheless, it was deplorable that the number of people of concern to UNHCR remained at 17.1 million. It was therefore necessary to strengthen international solidarity and to apply the principles of burden- and responsibility-sharing in order to find durable solutions. While the High Commissioner's ideas and initiatives, such as the "4Rs" initiative, Development Assistance for Refugees, and Development through Local Integration appeared to be moving in the right direction, it was desirable that when implementing them, full account would be taken

of the fact that host countries were preponderantly developing countries that had for a long time borne a heavy economic and social burden, and were consequently entitled to priority in receiving international assistance. UNHCR must play a mobilizing role in that area and focus greater attention on the necessity of resolving protracted refugee problems. In that regard measures taken in the context of the Millennium Development Goals to help developing countries to eradicate poverty and prevent conflicts would tackle the root causes of the problem.

78. The UNHCR 2004 process had entered the follow-up phase with the adoption of General Assembly resolution 58/153. In order to respond effectively, it was necessary for UNHCR to strengthen its internal management, use its resources more efficiently and enhance transparency. In that regard, China encouraged the High Commissioner to study carefully the recommendations and comments of the Joint Inspection Unit and the Advisory Committee on Administrative and Budgetary Questions and to adopt measures for their implementation.

79. The spread of terrorism had brought new implications and challenges to the international refugee protection regime. China resolutely condemned all terrorist acts targeting humanitarian relief workers and supported the efforts of UNHCR further to strengthen preventive security and protection measures. Terrorists and other criminals tried to take advantage of the right of asylum to escape justice, which seriously damaged the international refugee protection regime's reputation for neutrality and worked against the interests of genuine asylum-seekers. The Convention relating to the Status of Refugees and relevant Security Council and General Assembly resolutions explicitly excluded perpetrators of serious crimes from the international refugee protection regime. However, such principles must be translated into actual practice, and parties concerned must guard against political interference and double standards.

80. **Mr. Ileka** (Democratic Republic of the Congo), speaking on behalf of the member States of the Southern African Development Community (SADC) and the candidate country Madagascar, said that the 2003 report of the United Nations High Commissioner for Refugees (A/59/12 and Add.1), and the report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/59/317) were instructive. He thanked the High Commissioner for his efforts to protect refugees and provide for their needs, ensure access by humanitarian organizations, help the victims of violent conflicts and find durable solutions. The trend towards a decline in the number of refugees and other persons of concern to UNHCR in recent years was encouraging, and it was to be hoped that that trend would continue. As the High Commissioner had indicated, the progress made in certain regions must not divert attention from the fate of millions of other refugees and displaced persons, particularly in Africa. The conflicts, which were often recurrent, produced many victims, provoked large-scale population movements, and caused serious damage to the environment. In that regard, it was essential to carry out peacebuilding, conflict settlement and prevention activities in order to allow the return of refugees. In view of the regional nature of many African conflicts, comprehensive transboundary approaches should be adopted, engaging a wide range of actors in the search for solutions.

81. Within SADC, peacebuilding had brought new hope and facilitated the return of millions of displaced persons, especially in Angola and the Democratic Republic of the Congo, where the installation in 2003 of a transitional Government of national unity had enabled UNHCR to prepare for the return of some 350,000 Congolese refugees. In addition, it was extremely urgent to put an end to sexual and gender-based violence towards refugee women and children, who were increasingly used as weapons of war. The revised UNHCR guidelines on that matter must be effectively enforced in order to improve prevention and intervention mechanisms and effectively to train personnel. SADC endorsed the measures taken within the United Nations system to protect and assist unaccompanied minors, who were among the most vulnerable members of the population, and emphasized that relocating and reconstituting families was the best solution. Education was also an invaluable tool, in particular to reduce the risk of new conflicts. Through the establishment of the Inter-agency Guiding Principles on Unaccompanied and Separated Children in February 2004, the campaign against the forced recruitment of refugee children and the initiatives taken to help demobilized children return to their families should yield better results.

82. SADC recognized the efforts made at the inter-agency level to integrate concerns about HIV/AIDS into humanitarian operations, and was pleased that

UNHCR had decided in 2004 to cosponsor UNAIDS. It urged UNHCR to intensify its efforts to ensure that the needs of refugees and displaced persons were taken into account in national strategies for combating HIV/AIDS.

83. Aware of the constant efforts of United Nations development agencies to assist Member States in tackling the underlying causes of conflicts and strengthening their long-term capacity for the peaceful settlement of disputes, SADC looked forward to the implementation of the recommendations made by the High Commissioner in his report and those contained in the Framework for Durable Solutions. It welcomed the improvement of the funding situation of the majority of the operations of UNHCR, within the context of the Consolidated Appeals Process, but emphasized that more progress needed to be made in that area.

84. The international community must spare no effort to lighten the burden of host countries, especially developing countries with scarce resources, and to assist such countries to strengthen their capacity to host refugees and to reintegrate repatriated persons. SADC, for its part, was determined to work with UNHCR and other United Nations agencies to ensure the vitality and integrity of international protection institutions, in accordance with the values and principles of the United Nations.

85. **Mr. Shimamori** (Japan) welcomed the encouraging results described by the High Commissioner in his report (A/59/12 and Add.1), and in particular the fact that since the beginning of 2001, the number of refugees had fallen from 21.8 million to just over 17 million. The mandate of UNHCR had two facets: protection and empowerment. Understandably, protection and assistance to refugees constituted the core of UNHCR activities until conditions made it possible to undertake voluntary repatriation or resettlement. With that in mind, Japan had made an additional contribution of US$ 4 million and had provided 700 tents to assist Sudanese refugees in Chad.

86. When the time came to make the transition from emergency relief to rehabilitation and reconstruction, however, it was essential to offer a durable solution to refugees and IDPs, allowing them to regain their self-reliance and dignity as full partners in the national reconciliation process. Japan had thus been pleased to facilitate, together with Denmark, the discussion on targeting development assistance for refugees, which was one of the components of the Convention Plus initiative. He stressed the need to start development planning and programmes at an early stage in the humanitarian assistance process so as to enable refugees quickly to resume their normal lives.

87. Within that protection-empowerment framework, Japan welcomed the approach taken by UNHCR towards cooperation with countries having refugee issues, and its efforts to improve collaboration not only with humanitarian agencies but also with development agencies. In that regard, Japan commended the inclusion of UNHCR in UNDG, which had produced fruitful results.

88. At the national level, the Japanese International Cooperation Agency was striving for closer cooperation with UNHCR, which his Government was assisting in efforts to strengthen inter-agency cooperation, with a view to ensuring a smooth transition through the United Nations Human Security Fund. Four projects had already been funded. In Zambia, for example, UNHCR was carrying out, in close collaboration with the Zambian Government, a programme to enhance food productivity in refugee hosting areas and to create an environment that would help them become responsible members of host communities. The collaboration between relevant international organizations still needed to be strengthened, however, especially with regard to the protection of IDPs, and Japan counted on UNHCR to make enhanced efforts in that regard.

89. In order to enjoy even stronger support from the international community in the context of reforming its operational capacities, UNHCR should continue to make efforts to employ staff from various backgrounds and diversify its partners. His Government and Japanese NGOs were ready to work even more closely with UNHCR, in particular on its proposal for administrative reform with a view to using resources more effectively. Japan looked forward to the launching of the accelerated headquarters review process and the adoption of concrete and comprehensive measures in response to the recommendations of the Joint Inspection Unit.

90. In conclusion, he pointed out that the Vice-Chairman of the Executive Committee of the Programme of UNHCR was a compatriot, which exemplified Japan's commitment to cooperate with

UNHCR in the search for durable solutions to the problems of refugees.

91. **Ms. Hull** (United States of America), welcoming the report of the High Commissioner (A/59/12) and that of the Secretary-General (A/59/317), recalled that in 2004 her Government had provided nearly US$ 300 million to UNHCR. That testified to its commitment to multilateralism as well as to the sole United Nations agency whose mandate was the protection of refugees, although host nations bore the primary responsibility. Children, in families or unaccompanied, women, especially those who were single or heads of households, adolescent girls, who were at risk of sexual violence, adolescent boys, who were often coerced into becoming child soldiers, and elderly and disabled persons all needed assistance.

92. An important part of the mandate of UNHCR was finding durable solutions for refugees. Her Government was pleased that in 2003, the worldwide refugee population had decreased by 17 per cent, largely because of repatriation programmes to Afghanistan, Angola, Sierra Leone and Somalia.

93. Resettlement was another durable solution, and UNHCR had referred thousands of refugees from Africa, Asia and Latin America to third countries. During the fiscal year 2004, the United States had admitted nearly 53,000 refugees, and it urged other Governments to join in that effort.

94. Her Government commended the efforts of UNHCR to find lasting solutions to the problems of refugees, displaced persons, and other conflict victims in Iraq, in particular its recent initiative to assist IDPs below the Green Line, and its work in support of the Iraq Property Claims Commission. NGO implementing partners in Iraq were doing a commendable job under difficult circumstances.

95. Observing that her Government looked forward to the implementation of the new human resources policy of UNHCR, she said that the United States remained concerned about UNHCR operations in Chad, in particular its capacity to operate in the eastern part of the country, and about water shortages and possible breakdowns in the food pipeline. Her Government feared that the situation could overwhelm the capacity of UNHCR, and urged the High Commissioner to *continue to plan to accommodate as many* as 100,000 Sudanese refugees.

96. Food security was a severe problem: approximately 1 billion additional dollars would be needed to meet emergency food needs, including the requirements of refugees, who often had no other means of support. The food shortage could also jeopardize the return of refugees in places such as Afghanistan and Liberia. Her Government could not continue its disproportionately high share of food aid programming; it called on other countries to rise to the challenge.

97. Situations such as the one in Chad required emergency action by UNHCR as well as by donors. At the same time, the needs of long-time refugees, such as those of Bhutanese origin who had lived in Nepal for more than 10 years, must not be overlooked. Her Government was working with UNHCR in the hope that the Governments of Nepal and Bhutan would agree on an UNHCR-led registration process.

98. By way of conclusion, she reiterated the intention of her Government to continue working closely with UNHCR, whose hard work had brought very good results.

99. **Ms. Espindola** (Ecuador) said that her country had signed the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967, and also had regulations for the application of the Convention containing the expanded definition of the term "refugee" from the Cartagena Declaration on Refugees. Since the entry into force of the regulations, a commission for the determination of refugee status had been established in Ecuador, mainly composed of representatives of the Ministry of Foreign Affairs and the Office of the High Commissioner for Refugees. The criteria established by UNHCR and its agencies and the decisions of the commission corresponded in 96 per cent of cases, thus ensuring that Ecuador met the legal and humanitarian criteria for the granting of refugee status to those who requested it. Ecuador had accepted refugees of over 45 different nationalities, 95 per cent of whom were Colombian; it ranked first among countries of asylum for Colombian refugees in South America. There had been 475 applications in 2000, compared to 27,730 in the current year, or an increase of 1,746 per cent in just four years. Of those applications, 7,790 had been approved. For 2004, 1,480 of the 6,009 applications had been approved.

100. Applicants and refugees from Colombia in Ecuador had mainly settled in the border provinces,

areas with the highest poverty rates and inadequate basic services. That situation had caused social, economic and employment problems, in addition to problems with infrastructure that was inadequate to accommodate a large number of foreign nationals. Ecuador had received credits from UNHCR to meet the social, educational and health-care needs of the refugees in particular and to create income-generating activities through local assistance projects intended to promote social integration. The credits allocated allowed the launching of 74 such projects focusing on the needs of rural communities and underprivileged areas receiving refugees in the north of the country, with the objective of mitigating the social and economic impact, strengthening the exercise of the human rights of refugees and promoting their economic, social and cultural integration.

101. In order for Ecuador to continue to meet its obligations in that area, it was essential for donor countries, UNHCR and other international organizations to allocate more credits to meet the needs of the refugees rapidly and effectively, provide support to host communities and implement new development projects to soften the impact of the mass arrival of refugees, in accordance with the principle of shared responsibility of the international community.

102. **Mr. Mpundu** (Zambia) said that his delegation associated itself with the statement of the representative of the Democratic Republic of the Congo on behalf of the Southern African Development Community (SADC). It welcomed the continuing decline in the number of refugees and other persons of concern to UNHCR, and commended the High Commissioner for his ongoing efforts to assist refugees, returnees and displaced persons, particularly in Africa, and to meet their needs for protection and assistance. Despite those achievements, challenges remained because of the slow implementation of the rule of law and rising crime, the continued dominance of the illicit narcotics trade and a lack of infrastructure and employment opportunities for returnees, which posed serious challenges to the countries of asylum, countries of origin and the international community itself.

103. Zambia recognized the need to strengthen the capacity of States to provide assistance to and protection for refugees, returnees and displaced persons and called on the international community, within the context of burden-sharing, to increase its material, financial and technical assistance to affected countries. It noted with grave concern that more than 300,000 refugees had fled their countries in 2003, and that mass flows had in some cases created new large-scale emergencies. The over 200,000 refugees from the Darfur region were of great concern, and such situations required an effective international emergency response in all regions.

104. His delegation supported the mandate of UNHCR to enable it to continue its efforts in finding solutions for the plight of refugees. It particularly commended the initiatives to come up with a framework for durable solutions, in particular the "4Rs", development through local integration and proposed strategies for development assistance for refugees. Zambia welcomed the launch of the Convention Plus initiative in 2003 which sought to address irregular secondary movements, strategic targeting of development assistance and strategic use of resettlement. It noted with appreciation that States and other partners of UNHCR were engaged in the process to achieve solutions to refugee problems through burden-sharing and the development of multilateral special agreements.

105. He noted that Zambia was currently hosting over 200,000 refugees, mainly from Angola and the Great Lakes region, some of whom had been in the country for three decades. Since 2003, the Government of Zambia had primarily been preoccupied with voluntary repatriation of Angolan and Rwandan refugees. The previous year, approximately 18,000 Angolan refugees, out of a planned 20,000, had been moved; 43,500 had returned home in 2004. With regard to Rwandan refugees, only 132 had been repatriated. That slow progress was of concern to the Zambian Government, which had initiated consultations with the Tripartite Commission for voluntary repatriation to resolve the problem. Other consultations with UNHCR had been encouraged regarding the needs for a tripartite agreement for the repatriation of refugees from the Democratic Republic of the Congo.

106. The prolonged hosting of a large number of refugees had not been without problems for Zambia. Some communities, particularly those in rural areas, had been negatively affected. Tensions had arisen between the local population and the refugees because of competition for social and public services (education, health, water and sanitation). With the assistance of UNHCR, the Government had developed

an integrated approach to refugee management, known as the Zambia Initiative. It attempted to build on positive aspects of refugees to achieve social integration, peace, security and stability within the local population in areas hosting refugees. The initiative further aimed to reduce poverty through community reconstruction, increase food production, fight environmental degradation and improve basic social services and living standards. It also created opportunities for refugees to become productive members of the community, which in effect led to peaceful co-existence and prevention of conflicts among refugees and the hosting communities. The results of the initiative had thus far been very encouraging, as demonstrated in the western province of Zambia, where excess food had been produced which had been sold to the World Food Programme for the consumption of other refugees who were still on rations. The Government intended to implement the programme in all areas that had been affected negatively by the prolonged presence of large numbers of refugees.

107. The success of the programme depended largely on the reliability of financial support. The requirement for that initiative had been estimated at US$ 55 million, and to date $14 million had been provided. He took the opportunity to invite donors to continue to finance that successful programme which he was confident could be replicated with positive results in other areas of the country and the region.

108. Refugee management was a shared responsibility and the experience in Zambia had demonstrated the effectiveness of burden-sharing. His delegation noted with satisfaction the increasing collaboration and partnerships in the work of UNHCR in the light of dwindling funds for humanitarian emergencies. It was important to ensure the joint planning and pooling of resources for protection, and Zambia commended in particular the assistance provided by UNHCR, UNICEF, UNAIDS, the International Committee of the Red Cross, the World Food Programme, international NGOs and other charitable organizations, as well as the bilateral assistance received from other countries. He appealed to the international community to redouble its efforts to resolve the numerous conflicts around the world. Zambia would continue to contribute to international efforts to seek durable solutions to the refugee crisis.

109. **Mr. Dall'oglio** (Permanent Observer for the International Organization for Migration (IOM)) said that he agreed with the High Commissioner that one of the areas where a complex challenge had emerged was the preservation of international protection through further clarification of global migration-asylum issues. Indeed, the "migration-asylum nexus" reflected that it was sometimes difficult to distinguish between forced and voluntary migration. Limited or non-existent access to asylum systems, restrictive immigration policies and strengthened border controls made mixed migratory flows increasingly common, where both economic migrants and refugees could use similar modes of travel and methods of entry, often resorting to the same unscrupulous transnational networks feeding trafficking of migrants. In the process the asylum system could become overburdened, and because of that, the capacity to preserve an effective asylum system regime was linked with mutual reinforcement of migration and asylum law and practices.

110. That was one of the areas where the work of the Office of the High Commissioner and the work of IOM intersected closely, and where a coherent perspective and complementarity of effort was required. To facilitate synergies between those organizations, a joint Action Group on Asylum and Migration (AGAMI) had been established in 2001 to address conceptual issues, clarify common concerns and share the experience of each organization. AGAMI had held seven sessions since its founding and had demonstrated that it could also serve to strengthen further the partnership between IOM and UNHCR in the field through information-sharing and cooperation on programmes and projects. In fact, a joint regional seminar on contingency planning for mixed migratory flows in the Caribbean was currently under way. That five-day seminar, organized by IOM in cooperation with UNHCR and with the support of the Government of the Bahamas, had brought together 21 Caribbean Governments, regional organizations and regional and international experts to review effective practices and tools for addressing mixed migratory flows before, during and after emergencies both natural and man-made. The seminar aimed to enhance regional dialogue and provide in-depth training on key migration and asylum issues. Participants would review the commitment to expand existing national disaster plans to include responses to mass migration in each country, together with a renewed interest in improving migration

management in all its aspects. Specific topics for the joint sessions included early warning and monitoring, reception and registration, assistance, durable versus temporary solutions, tools for effective management and protection in the future.

111. In a spirit of complementarity, IOM workshops would address migration and health, irregular migration, biometric identification systems, and working with media to counter trafficking. UNHCR workshops would include registration during mass influx, determination of refugee status and refugee rights. That was just one example of the opportunities, and indeed the necessity for close international cooperation on migration and asylum. In conclusion, he said that the identification and implementation of sound management principles and practices that helped promote orderly migratory flows remained a key in maxi..izing the benefits of migration while enhancing the protection of refugees within the broader migration context.

The meeting rose at 5.25 p.m.

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Chairman: Mr. Kuchinsky ..... (Ukraine)
later: Ms. Kusorgbor (Vice-Chairman) ..... (Ghana)

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The meeting was called to order at 9.40 a.m.

Agenda item 100: Report of the United Nation High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions *(continued)* (A/59/12 and Add.1, A/59/317, A/59/425-S/2004/808 and A/59/554)

1. **Mr. Giorgio** (Eritrea) said that his country's humanitarian concerns extended beyond the question of refugees from the Sudan, to include drought victims, internally displaced persons, and expellees from Ethiopia. Furthermore, enormous resources were required for the ongoing rehabilitation and reconstruction programmes relating to his country's war-damaged social and economic infrastructures. The Secretary-General's report on assistance to refugees, returnees and displaced persons in Africa (A/59/317) identified three key concepts as a framework for durable solutions (ibid., para. 92). The sharing of responsibilities by donors, host countries and countries of origin was essential to the success of those initiatives. In that regard, he regretted that the resources required for the Integrated Recovery Programme, aimed at the integrated transition from relief to development, had not yet materialized.

2. Despite the financial and logistical constraints involved, his Government remained committed to the voluntary-repatriation programme for Eritrean refugees living in the Sudan. Since the resumption of the programme at the end of the rainy season, more than 8,000 refugees had returned. It was hoped that 35,000 would return by the end of the year.

3. As to the estimated 13 million internally displaced persons in African countries, he noted that no single United Nations agency was directly mandated to address their concerns. However, the close collaboration between UNHCR and the Office for the Coordination of Humanitarian Affairs had played an important role. The United Nations agencies must seek to determine the underlying causes of internal displacement.

4. Little attention had been accorded to the direct relationship between Ethiopia's formal rejection of the border ruling made by the independent Eritrea-Ethiopia Boundary Commission and the fate of some 65,000 internally displaced persons. His delegation remained gravely concerned at the humanitarian impact on the civilian population, due primarily to the lack of serious efforts by the international community to consolidate peace between the two countries. It was vital for the international community, and the United Nations in particular, to do more to close the gap between its declared support for the Boundary Commission's decision and its obligation to show tangible commitment to speedy implementation.

5. **Ms. Romano** (Croatia) welcomed the efforts of UNHCR to develop and strengthen strategies and activities designed to ensure a more effective and efficient transition from humanitarian assistance to sustainable development for returnees. Croatia also fully supported proposed measures to foster international collaboration with a view to raising the profile of refugees on the United Nations agenda, and continued to attach great importance to the creation of sustainable conditions for the reintegration of all refugees. Her Government had shown continuity and good will and had taken specific measures to fulfil Croatia's commitments regarding the return process.

6. At the end of 2003 all three UNHCR field offices in Croatia had closed, bringing to an end 12 years of direct field presence and demonstrating that her country had made significant progress. Furthermore, Croatia's Law on Asylum and its Law on Foreigners had both come into force in 2004, creating the basis for the asylum procedure to be implemented in line with the 1951 Convention relating to the Status of Refugees, the laws of the European Union and international refugee standards.

7. Among other recent measures, her Government had established a commission for the return of displaced persons and refugees and the repossession of property, which had made notable progress regarding the latter. Furthermore, a media campaign was being implemented, with UNHCR assistance, concerning a programme for former holders of tenancy rights, and had been expanded to Serbia and Montenegro and to Bosnia and Herzegovina. Her Government participated actively in UNHCR educational and training programmes, and Croatian government officials participated in country-wide training workshops focusing on UNHCR and related issues. As a result of those and other measures, her country had made considerable progress in the return of refugees.

8. **Mr. Moon** Seoung-hyun (Republic of Korea) said that the significant decline in the number of persons of concern to UNHCR over recent years was largely

attributable to the tireless efforts of UNHCR to seek durable solutions. His delegation wished to commend UNHCR for its achievements, particularly its successful repatriation programmes in Africa, the countries of the former Yugoslavia and Afghanistan. However, the international community still faced many challenges, as illustrated by the emergency situation in the Sudan's Darfur region. The Republic of Korea supported the commitment of UNHCR to develop a collaborative approach to those challenges, including the sharing of experience and expertise with such agencies as the International Organization for Migration and the World Food Programme.

9. His country also supported the Convention Plus initiative (A/59/12, para. 22), which had become instrumental in dealing with many complex refugee programmes through special agreements. It trusted that UNHCR would continue to strengthen its operations, based on the humanitarian necessity to respond to asylum-seekers, and urged other Member States to support that endeavour. It welcomed the efforts of UNHCR to develop a framework for durable solutions (ibid., para. 25), particularly, the High Commissioner's intention to increase UNHCR involvement in resettlement activities.

10. His delegation supported the efforts of UNHCR to strengthen its financial basis, including by broadening its donor base and increasing private funding. Sufficient funding, combined with enhanced results-based planning and management, would have a positive impact, and the Republic of Korea hoped to increase its financial contribution in future years.

11. His delegation welcomed the sustained efforts of UNHCR to protect refugee women and children. Individual States should support the implementation by UNHCR of protection guidelines aimed at addressing their plight while fully respecting the fundamental principle of non-refoulement. His Government deplored the security risks facing humanitarian workers, and called on all States and international organizations to do their utmost to protect them.

12. **Ms. Hoch** (Liechtenstein) said that security issues were fast becoming one of the major challenges to humanitarian operations. Creating a climate of fear and insecurity had become a tactic of parties in conflict and, as a result, it was becoming increasingly difficult for humanitarian personnel to protect and assist refugees and internally displaced persons. Civilians had suffered disproportionately in situations of armed conflict as victims of serious human rights violations, intimidation and acts of violence, and United Nations staff and other humanitarian workers were increasingly at risk. The rise in the number of casualties among humanitarian staff operating in conflict and post-conflict situations was alarming. The difficult security conditions made it more and more difficult for the United Nations and other humanitarian organizations to provide protection and assistance.

13. Universally agreed principles of international humanitarian and human-rights law were often ignored by government forces and by the growing number of non-State actors involved in armed conflicts, making the situation of civilians even more desperate. Governments were primarily responsible for ensuring that all groups involved in armed conflicts abided by internationally agreed standards. Her delegation welcomed the efforts of UNHCR to transform humanitarian assistance into sustainable development in order to achieve durable solutions. It attached particular importance to the re-establishment and proper functioning of national protection mechanisms, particularly judicial and law-enforcement mechanisms. Moreover, ending impunity for and bringing to justice those responsible for violations of international humanitarian and human-rights law were among the preconditions for the successful return and reintegration of refugees and displaced persons. The International Criminal Court (ICC) could also play a major role in that process, and her delegation wished to note that attacks intentionally directed against humanitarian personnel were regarded as war crimes under the ICC Statute.

14. Her delegation continued to believe that the application of the 1994 Convention on the Safety of United Nations and Associated Personnel was seriously flawed, and hoped that the General Assembly would soon adopt an optional protocol to remedy that situation. It hoped that the Fifth Committee's discussion of the Secretary-General's report on a strengthened and unified security management system for the United Nations (A/59/365 and Corr.1) would produce improvements in the near future.

15. The High Commissioner's report (A/59/12, para. 13) referred to the lack of distinction between migration control and refugee protection in the policies and practices of many States. The increasingly restrictive migration laws and policies of developed

countries must not lead to a decline in the protection of people in need or in the respect for their human rights, and her delegation welcomed the efforts undertaken by several international organizations to exchange information and promote greater policy coherence in their migration-related activities. It was only through coordinated efforts that the international community would find a comprehensive solution to the refugee problem.

16. *Ms. Kusorgbor (Ghana), Vice-Chairman, took the Chair.*

17. **Ms. Hastaie** (Islamic Republic of Iran) said that, in the absence of adequate international assistance, her country had been obliged to shoulder the burden of a huge number of refugees and displaced persons, mostly from Afghanistan. Following the major political developments in Afghanistan, the Governments of the Islamic Republic of Iran and Afghanistan had signed a joint programme with UNHCR for the voluntary repatriation of Afghan refugees, enabling more than 1 million to return home since April 2002. However, more than 1.2 million Afghan refugees remained in the Islamic Republic of Iran, and a comprehensive approach was required to ensure their return and reintegration. All three parties agreed that the joint programme should continue, and her delegation trusted that the international community would help fund the process. Close consultations and coordination with host countries offered the best forum for evaluating the Afghan refugee situation and gradually bringing those UNHCR activities to a close.

18. With respect to Iraqi refugees in the Islamic Republic of Iran, she noted that their assisted voluntary repatriation was a matter of urgency. Iran was particularly interested in consolidating security and stability in Iraq and Afghanistan.

19. The current global refugee situation required an effective and equitable mechanism for ensuring international responsibility and burden-sharing. Iran had supported the initiative of the High Commissioner to launch the Convention Plus process, and had also been an active member of the working group on resettlement. It welcomed the conclusion adopted by the Executive Committee of UNHCR on international cooperation and burden and responsibility sharing, and hoped that it would help to ease the heavy burden imposed on developing countries.

20. **Mr. Laurin** (Canada) said that his delegation welcomed the reduction in the number of persons of concern to UNHCR. However, the international community was faced with the same challenges as before, including efforts to halt human-rights violations, reduce insecurity, and end armed conflicts. More than ever before, the world's various crises recalled the importance of Security Council resolutions on the protection of civilians in armed conflict. The crises of the past year — notably those in Haiti and the Sudan's Darfur region — made it more urgent for States to improve the means at their disposal to prevent the conflicts that produced refugee flows. Host States must also intensify their efforts to protect refugee populations and respect the principle of non-refoulement. Canada considered the collaboration between various agencies and UNHCR as essential, but was concerned at the difficulties faced by non-governmental organizations in their administrative and financial dealings with UNHCR.

21. Canada was delighted with the progress made by UNHCR and States in promoting the objectives of the Agenda for Protection, and welcomed the Executive Committee's adoption of two conclusions: one on international cooperation and burden and responsibility sharing in mass influx situations, and one on legal-safety issues in the context of voluntary repatriation. The two conclusions would play a major role in efforts to increase international peace and security, and his delegation hoped that the General Assembly would endorse them. Canada also welcomed the progress made on the Convention Plus initiative, and wished to thank UNHCR for its invaluable assistance in developing a multilateral framework of understandings on resettlement. However, resettlement was only part of the comprehensive approach required.

22. Canada would continue to try to ensure that its humanitarian aid contributions were timely, while encouraging UNHCR to adapt to new challenges and make progress in establishing its priorities, and would continue to support the efforts of UNHCR to improve its management and responsibility structures.

23. Canada strongly condemned attacks on refugees and humanitarian workers. The insecurity of refugees in Chad and Burundi demonstrated the need to preserve the civilian and humanitarian character of asylum and to adopt a comprehensive approach to refugee protection. Canada supported UNHCR efforts made by UNHCR to focus on developing strategies to solve that

problem, and regarded the security of UNHCR staff and its implementing partners as a priority concern. The work undertaken by UNHCR to enhance accountability and its capacity to meet staff security needs was critical, but it must be consistent with the significant changes made to the United Nations security-management system and must take into account the relationship with implementing and operational partners. Canada encouraged the Organization to raise awareness of protection issues among its staff, and trusted that UNHCR would assign more staff to refugee protection.

24. **Mr. Prica** (Bosnia and Herzegovina) said that, in view of the situation in many countries around the world, the need for a new international humanitarian order was greater than ever before. The Committee's efforts were not intended to replace the existing body of international law and practice, but rather to adjust it to the new challenges facing mankind. General Assembly resolution 57/184 called for the development of an agenda for humanitarian action. It was important for all Member States to be involved in determining the contents of such an agenda and to support the Secretary-General's efforts in that regard.

25. The 1988 report of the Independent Commission on International Humanitarian Issues, entitled "Winning the Human Race", found that modern man was at peace neither with himself nor with his environment, and yet never before had humans wielded as much power over their destiny and planet. It was sad and disturbing to note that, despite considerable efforts to promote peace and prosperity, the number of victims of armed conflicts between and within States and of poor and deprived people around the globe continued to rise, while human-rights violations continued.

26. During the past decade, his country and people had not only suffered considerably, but also learned many lessons about how to build a common future. That experience had strengthened his delegation's belief in the need for an agenda for humanitarian action. Many widespread problems required the urgent attention of the international community, such as the increasing number of internally displaced persons and the rights of minorities, women, children and older persons, to name but a few. In that regard, his delegation welcomed the positive role played by the Independent Bureau for Humanitarian Issues and hoped it would contribute to the constructive follow-up of the relevant General Assembly resolutions. Lastly, he reiterated his country's support for the draft resolution on the promotion of a new international humanitarian order.

27. **Mr. Nikiforov** (Russian Federation) said that the Russian Federation continued to observe its commitments for the protection of refugees and cooperated closely with UNHCR and other international humanitarian organizations. The information on the recent decline in the number of refugees was welcome, but many areas of conflict and tension remained, and the best way to continue the improvement was to bring those conflicts to an end. Closer coordination was needed with Governments so that international protection could not be used as cover by terrorists.

28. Globalization had also affected the flow of refugees; many individuals from developing countries seeking asylum in industrialized countries were economic migrants. Asylum could be abused by international criminal groups seeking new avenues for their business, and consequently, host countries were developing stricter regimes for asylum-seekers. Increased international and regional coordination to resolve humanitarian problems and control migration was needed.

29. The 1996 Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States (CIS) was an example of such coordination. The May 2004 review of the outcome of that Conference had indicated that progress had been made by CIS Governments in enacting and implementing relevant legislation.

30. With regard to internally displaced persons, it was his Government's position that States should bear primary responsibility for them, with international assistance provided only on their request and with the agreement of the United Nations. International humanitarian law should continue to apply, but UNHCR should have a limited mandate in that area, particularly in view of its limited financial resources.

31. His Government was grateful to UNHCR for the assistance it had provided to internally displaced persons in the northern Caucasus and Chechnya. It was time for international assistance to be redirected towards the rehabilitation of the region's economy.

32. The Russian Federation supported efforts to increase the effectiveness of UNHCR activities and reform its financial structure within its existing mandate. It saw no current need to review its mandate.

33. **Ms. Pérez Álvarez** (Cuba) said that her country wished to reiterate its commitment to the work of UNHCR and the leadership it had shown in protecting millions of people, and welcomed the fact that it had fulfilled its strictly humanitarian role free of all politicization. Respect for international humanitarian law and the sovereignty of States must continue to be fundamental elements in its work.

34. As was well known, UNHCR had been undergoing a financial crisis. However, the number of refugees and internally displaced persons continued to rise. The situation was most glaring in asylum countries, particularly developing countries, which assumed a heavy burden by receiving high numbers of refugees and asylum-seekers. The distribution of responsibilities at the international level was, however, increasingly unjust. In addition, most resources were allocated to critical situations of mass migratory flows, while other situations, which were just as serious but received less publicity and lasted longer, were not allocated the resources they needed.

35. Around 20 million people enjoyed the protection of UNHCR. The structural causes behind mass flows of refugees and internally displaced persons ranged from extreme poverty and chronic underdevelopment to international military conflicts to defend major geopolitical interests and control strategic natural resources. The only way to do away with such causes was through strict respect for international law and the Charter, international cooperation that promoted durable solutions, the adequate mobilization of resources and support for developing countries that received refugees.

36. Cuba called on States and organizations with more economic possibilities to allocate more resources to international protection, while emphasizing that contributions must not be conditioned by donor preferences. It also expressed its unconditional solidarity with the hundreds of thousands of Palestinian refugees without a State to which to return, and condemned both those who had expelled them from their land and those who supported such actions.

37. Cuba's material possibilities had been severely limited by the economic, financial and trade embargo, which only two weeks previously had been overwhelmingly condemned by the General Assembly. It nonetheless had a long tradition of receiving refugees, offering protection and humanitarian assistance to hundreds of fellow Latin American and Caribbean citizens. Despite being a developing country, Cuba had by and large used its own resources in dealing with refugees, only turning to UNHCR when faced with significant numbers. Her Government would continue working with UNHCR and called on the international community to make refugees a priority.

38. **Ms. Groux** (Switzerland) said that her delegation welcomed the conclusion adopted at the fifty-fifth session of the Executive Committee of UNHCR to strengthen the UNHCR protection mandate, reasserting protection as one of its overall priorities and targeting it more effectively in operational planning. Her country had always backed measures to strengthen that aspect of its mandate and had been calling for such measures for several years. However, when it came to allocating financial resources and managing human resources, her Government felt that protection continued to take second place to assistance, whereas resources should have been shared equally. Her delegation wished to emphasize that assistance was a useful and necessary operational complement to protection, but must never replace it. Her delegation therefore encouraged UNHCR rapidly to strengthen its protection mandate in line with its recent conclusion.

39. Her delegation wished to honour the efforts of humanitarian staff, particularly those working for UNHCR and its partners on the ground. Such staff were exposed to considerable danger on a daily basis, their security must therefore continue to be an absolute priority for the international community. Her Government had always been concerned by the security issue and supported all measures taken by UNHCR to improve the security of its staff. Her delegation was also pleased to announce that the Swiss federal and cantonal authorities had, in cooperation with UNHCR, drawn up a plan to improve security at UNHCR headquarters in Geneva, the cost of which would be borne by Switzerland.

40. **Mr. Baali** (Algeria) said that the number of people coming under the auspices of UNHCR remained worrying, as over 17 million people were still waiting for a solution. Africa was still the continent most affected, and the search for durable solutions remained

paramount. His country had always favoured durable solutions, voluntary repatriation, integration and reinsertion. In that regard, it welcomed the UNHCR Framework for Durable Solutions, which included the "4Rs" concept (repatriation, reintegration, rehabilitation and reconstruction) and strategies for development assistance for refugees. His country also welcomed the establishment of partnerships between UNHCR and various humanitarian players, so that together they could tackle emergencies. His country was aware of the challenges surrounding humanitarian issues and called for the underlying causes of displacement and exile to be addressed. Only by strengthening development assistance would it be possible to eradicate such causes and stabilize post-conflict situations.

41. His delegation endorsed the areas identified in the High Commissioner's report (A/59/12 (Supp.12)). Africa was a striking example of the unequal treatment of humanitarian crises in the world and of the syndrome of "donor fatigue". African refugees were at a considerable disadvantage compared to other refugees; whereas all refugees deserved to be treated with dignity and receive equal attention. Given that many Algerians had themselves been refugees during his country's struggle for independence, his country had — once independent — willingly responded to requests for humanitarian assistance.

42. The fate of over 160,000 Saharan refugees living in camps in Tindouf was inextricably linked to implementation of the peace plan for self-determination of the people of Western Sahara, which had been unanimously endorsed by Security Council resolution 1495 (2003) and remained the only acceptable way out of a humanitarian crisis that spanned almost 30 years.

43. **Mr. Vitrenko** (Ukraine) said that, though refugee issues were one of the oldest challenges facing humanity, there was still a pressing need for the international community to draw up reliable and forward-looking preventative strategies to avoid mass forced displacement. The recent humanitarian crisis in Darfur was a sad reminder of the urgency of the task. His delegation praised the UNHCR response to emergency situations caused by armed conflicts and encouraged the United Nations system to implement the "4Rs" initiative and other concepts included in the Framework for Durable Solutions. Following the tragedy in the Gatumba refugee camp in Burundi earlier in 2004, he welcomed steps taken by UNHCR to strengthen its partnership with the Department of Peacekeeping Operations, so as to prevent such disasters in the future.

44. He thanked the UNHCR representative office in his country for assisting his Government in implementing refugee legislation and the recently amended law on citizenship. Since 1994, more than 2,500 people, mostly from Afghanistan, had been granted refugee status in his country, and assistance and integration programmes had been launched. One priority of his country's migration policy was the return of Crimean Tatars. Since 1990, more than 260,000 formerly deported peoples and their descendants had returned to Crimea and now accounted for 12 per cent of its population. His country had also made considerable efforts to address their citizenship issues on a multilateral basis. Following the 1998 treaty between Ukraine and Uzbekistan, some 23,000 people had taken advantage of simplified procedures to obtain Ukrainian citizenship. His Government welcomed UNHCR assistance in developing refugee-status determination hubs in regions with the most asylum-seekers and refugees and its measures to raise donor support for asylum system development in his country. He looked forward to cooperating with UNHCR on structural reform of the migration service at all levels.

45. His delegation welcomed the fact that the UNHCR representative office in Ukraine would become the regional office for Ukraine, Belarus and the Republic of Moldova. Activities should continue to focus on promoting subregional and regional cooperation and cross-border dialogue with European Union States, particularly in the context of European Union enlargement. Migration, asylum and border officials from 10 countries were now participating in the Söderköping cross-border cooperation initiative. He hoped that the high-level meeting in Belarus in May 2004 had helped strengthen dialogue on refugees, displaced persons and returnees in the region. His country welcomed the establishment of the Cross-Border Cooperation Process Secretariat in Kyiv with a view to better coordinating activities in connection with the Söderköping process. His country would appreciate continued assistance from UNHCR in order to improve current programmes and strengthen cooperation between government institutions and local non-governmental organizations on such issues. The

support of the international community — both financially and in terms of political will — was essential to the successful implementation of the UNHCR mandate. His delegation therefore welcomed the Convention Plus initiative, which aimed to resolve refugee issues through responsibility and burden-sharing.

46. **Mr. Israfilov** (Azerbaijan) said that his country had been facing the phenomenon of forced displacement since 1987 and, according to the Secretary-General's Representative for internally displaced persons, had one of the largest displaced populations in the world. The issue was therefore an ongoing priority for his Government. Its experience in dealing with the phenomenon could be divided into the emergency phase and the development phase. While it was difficult to define precise time frames, the transition from emergency to development was closely linked to the failure to find a peaceful settlement to the conflict between his country and Armenia under the aegis of the Organization for Security and Cooperation in Europe (OSCE). It was also clear that the eventual resolution of the refugee issue depended on the liberation of the occupied territories of Azerbaijan and a final resolution of the armed conflict, which had caused population displacement in the first place.

47. The emergency phase had been characterized by active consideration of the humanitarian catastrophe in his country by the relevant international organizations, particularly the United Nations, culminating in a number of Security Council and General Assembly resolutions. Several years of negotiations in OSCE had raised hopes that the conflict could be settled, the occupied territories liberated, and refugees and displaced persons returned to their places of origin. Of particular significance was the 1997 meeting of the Presidents of the two countries, who had adopted the proposals of OSCE. The reaction by radicals and militarists in Armenia, however, had forced the Armenian President to resign and the new President had withdrawn the agreement, demonstrating that Armenia's territorial ambitions took precedence over the grievances of displaced Armenians and the disastrous situation of Armenians in the Nagorny Karabakh region of Azerbaijan. The lack of any immediate prospect of refugees and displaced persons returning and the ongoing occupation of Azerbaijani territories had led to donor fatigue, forced a number of international humanitarian organizations to leave and ended the emergency phase.

48. His Government had done its best to expand humanitarian programmes and adapt its multisector policy to the basic needs of displaced people previously covered by international humanitarian aid, focusing on rehabilitation and reconstruction of war-affected territories, temporary refugee and displaced person settlements, physical, social and agricultural infrastructure, and income generation. However, owing to inadequate external assistance during the transitional period, his Government had been forced to allocate additional resources to such groups, thereby significantly curtailing its capacity to overcome the transition and ensure full-scale development of the economy. The protracted nature of the conflict and lack of active hostilities meant that international attention had also faded. His country's numerous appeals to OSCE to halt illegal activities in the occupied territories of Azerbaijan had been neglected. He rejected recent allegations that countries affected by the protracted armed conflict used the refugees as pawns, and stressed that it was lack of political will to address the root causes of displacement that had led to the prolongation of the armed conflict and the continued occupation of parts of his country. He hoped that those countries would change their position after the upcoming discussion of the item in the General Assembly.

49. According to the report of the High Commissioner for Refugees (A/59/12), the refugee population in Armenia was well over 200,000 while in his country it was only 326. Such unbalanced figures provided ample opportunity for speculation by Armenia. Most international organizations, including the International Committee of the Red Cross (ICRC) and the Norwegian Refugee Council, observed impartiality and either indicated the correct figures or claimed that since 2000 there were no refugees in either country. His country had raised the issue with UNHCR on a number of occasions and again encouraged the High Commissioner not to let Armenia use unbalanced figures.

50. Parts of Azerbaijan were still under occupation and the appropriate conditions for the safe return of displaced persons had not therefore been created. He therefore called again on UNHCR, the relevant aid agencies and donor countries to continue providing

humanitarian and development assistance to refugees and displaced persons in his country.

51. **Mr. Alvi** (India) said that developing countries were host to the largest number of refugees, and that called for a strategic adjustment in UNHCR programmes. The link between poverty and refugee flows was well-recognized, and durable solutions would remain elusive until the root causes were addressed. The global development agenda must therefore underpin international efforts to ensure prevention and address the relief and rehabilitation needs of refugees.

52. His delegation recognized the potential of the Convention Plus initiative. It also welcomed the finalization of the Multilateral Framework of Understandings on resettlement, especially at a time when the international-refugee-law framework was being challenged by growing xenophobic tendencies, violations of the principle of non-refoulement and new barriers in traditional countries of resettlement. The trend towards regionalization of solutions to refugee situations, however, could be interpreted as a new form of containment of refugee movements, and hence a derogation from the principle of international responsibility.

53. The success of UNHCR in achieving the goals of the Agenda for Protection depended on its ability to work in close cooperation with the States concerned. Given that the bulk of refugee flows occurred in developing countries, voluntary repatriation seemed the most viable and durable solution.

54. In the view of his delegation, UNHCR should maintain its focus on those who had first charge on its mandate — the refugees. Internally displaced persons were first and foremost the responsibility of Member States, and UNHCR should have a role in situations involving them only on the explicit request of the State concerned.

55. UNHCR had a unique role because of its global mandate. Its reliance on voluntary contributions rendered absolutely essential the highest standards of impartiality, transparency and accountability in its management and programmes. India was committed to working with the international community to address new and emerging challenges in a spirit of compassion, solidarity and burden-sharing.

56. **Mr. Anshor** (Indonesia) said that his delegation was encouraged by the decline in the number of refugees and other persons of concern to UNHCR, due to the initiatives of the High Commissioner, including the "4Rs" (repatriation, reintegration, rehabilitation and reconstruction), enhanced coordination with other United Nations agencies and the Convention Plus initiative.

57. Indonesia expressed its appreciation to UNHCR for its assistance in facilitating the repatriation of some 252,000 refugees in West Timor province to Timor-Leste in 2002 and 2003. Further efforts were under way to resettle those who had chosen to remain in Indonesia. Humanitarian relief efforts in that province were winding down, while resettlement and reintegration efforts were being stepped up. Prompt action had enabled Indonesia and Timor Leste to avoid the potentially destabilizing political and social problems that had frequently accompanied longstanding refugee situations in other parts of the world.

58. The difficulties in that area had been partly due to the unilateral imposition of an unfavourable security status on the region by the Office of the United Nations Security Coordinator in 2000. In June 2004 the security status for West Timor had been lowered from phase five to phase four. However, assistance from UNHCR and the international community was still beneficial for the integration of the remaining displaced persons into society and for the transition to development.

59. The success of the resolution of the refugee problem in West Timor was an example of effective cooperation between a host country and international agencies, especially UNHCR. The Government acknowledged that it could not have been achieved without assistance from outside. More must be done, however, to ensure adequate resources for humanitarian assistance without diverting resources from such equally important goals as sustainable development.

60. **Ms. Mtawali** (United Republic of Tanzania) noted that the refugee situation in many African countries was characterized by large numbers of refugees and internally displaced persons, unpredictability, newly-emerging refugee situations and underfunding. Although the projected budget for Africa for 2005 was the largest in recent years, it still did not meet ever-growing demands. Unpredictable

situations made management very complex. Nonetheless, her Government continued to honour its international obligations and to abide strictly by the principle of non-refoulement.

61. Her country was currently host to over 600,000 refugees, categorized into two groups. The first category comprised the 1972 refugees from Burundi, referred to as the "old caseload", located in refugee settlements in the Rukwa and Tabora regions. They no longer had the attention of UNHCR and the international community, and for over three decades her Government had borne the full burden of hosting and protecting them. It was currently undertaking a survey to determine those who might wish to be repatriated as the situation in Burundi continued to improve. Her Government requested the international community to assist those who opted for repatriation. The second category were referred to as "new caseload" refugees. They had come recently (1993-2004), mostly from Burundi, and were sheltered in refugee camps in the north-west regions of Kagera and Kigoma.

62. Her delegation noted with concern the dwindling funds for humanitarian emergencies and protracted situations in Africa, and appealed to the donor community to honour its commitments to sustain and stabilize the food pipeline. Her Government supported the Convention Plus initiative, but stressed that each country scenario called for specific solutions. For example, Tanzania was susceptible to refugee influxes because of its close proximity to neighbours faced with frequent internal conflicts. Stabilizing those situations to prevent outflows and permit voluntary repatriation, rather than local integration across the board, was the best durable solution.

63. The United Republic of Tanzania had been involved in the local integration of about 3,000 Somali refugees, some of whom had applied for naturalization. However, the international community had not offered significant support to their integration; indeed, UNHCR was preparing for a final pull-out from the programme before major infrastructure arrangements and basic social services had been completed. The Government had allocated a generous amount of land to the old "caseload", but was disheartened that the international community had not acknowledged the effort and expected it to provide even more land.

64. The launch of the Tripartite Commission on voluntary repatriation of Burundian refugees in 2001 demonstrated the commitment of her Government to solving the problem. Some 168,000 Burundian refugees had been repatriated voluntarily, but the pace had been unsatisfactory in large part because of the poor integration capacity in Burundi. Efforts were also under way to revive the Tripartite Commission on voluntary repatriation of refugees from the Democratic Republic of the Congo.

65. In order to ensure that voluntary repatriation was successful, sustainable and irreversible, the peace and security situation in the countries of origin must improve. The Great Lakes peace process sought to bring lasting peace, security and stability to the region. A Great Lakes summit would soon take place in the United Republic of Tanzania with a view to paving the way for a comprehensive plan of action for peace, democracy and development in the region. She invited the international community to participate in that historic initiative.

66. **Mr. Husain** (Organization of the Islamic Conference (OIC)), referring to the report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/59/317), said it was encouraging to note that 2003 had witnessed an intense peace process and that, as a result, the number of refugees in the region had shown a decline in 2004. He also shared the concern expressed, however, over the impediments to refugees' enjoyment of basic rights. On the global level, it was also encouraging to note from the report of the High Commissioner for Refugees (A/59/12) that a further decline had occurred in the aggregate number of refugees worldwide. OIC remained prepared to play a complementary and proactive role in assisting Governments in their efforts to foster policies and programmes for resolving conflict and establishing an environment of durable peace.

67. He drew attention to the plight of refugees stemming from the conflicts in such areas as the occupied Palestinian and Arab territories and the disputed territory of Jammu and Kashmir. While encouraging the ongoing peace process in those conflict areas, OIC continued to hope that the international community would make efforts to de-escalate the tensions in those regions.

68. He commended the leadership of the Secretary-General and the High Commissioner and the dedication of their staff to their very challenging mission under increasingly dangerous circumstances.

69. **Mr. Al-Hussein** (Jordan) said that Jordan valued the growing role of UNHCR in providing protection and assistance and hoped that the implementation of the Agenda for Protection would lead to durable solutions, especially successful repatriation. It also believed that more coordination among UNHCR and other relevant agencies and organizations would help States to take concrete measures and develop mechanisms that could include early-warning systems and information-sharing, leading to greater emergency preparedness and equitable burden-sharing.

70. In the overall context of humanitarian challenges, Jordan had long supported the efforts to develop a new international humanitarian order, as outlined in the Secretary-General's report (A/59/554). Although the General Assembly had adopted numerous resolutions on the subject and the Secretary-General's suggestions had been implemented, the number of victims of humanitarian situations and armed conflict continued to increase. Consequently, the need to develop an agenda for humanitarian action, as called for in that report, was greater than ever. Jordan keenly favoured the adoption of a resolution that would further strengthen the efforts of the Secretary-General to proceed with the elaboration of the proposed agenda, and hoped that it would receive the support of Member States.

The meeting rose at 11.40 a.m.

United Nations A/C.3/59/SR.41

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Chairman: Mr. Kuchinsky ..... (Ukraine)
later: Ms. Astanah Banu (Vice-Chairman) ..... (Malaysia)

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Agenda item 100: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

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04-60083 (E)

The meeting was called to order at 2.50 p.m.

Agenda item 105: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/59/L.32)

Draft resolution A/C.3/59/L.32: Equitable geographical distribution in the membership of the human rights treaty bodies

1. **Ms. Pérez** (Cuba) introduced draft resolution A/C.3/59/L.32 on behalf of the sponsors, which now included Azerbaijan, Cameroon, China, the Congo, Côte d'Ivoire, the Democratic People's Republic of Korea, Egypt, El Salvador, Ethiopia, Guinea-Bissau, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Myanmar, Namibia, Pakistan, Qatar, the Russian Federation, Rwanda, the Sudan, Togo, Tunisia, the United Republic of Tanzania, Zambia and Zimbabwe. Drawing particular attention to the fourth, fifth, sixth, ninth and tenth preambular paragraphs, she encouraged States to ensure an equitable geographical distribution in the membership of the human rights treaty bodies in order to facilitate the full and effective implementation of those instruments. She urged all delegations to vote in favour of the draft resolution.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/59/L.37, A/C.3/59/L.39, A/C.3/59/L.40, A/C.3/59/L.41, A/C.3/59/L.44, A/C.3/59/L.51, A/C.3/59/L.52, A/C.3/59/L.56, A/C.3/59/L.57, A/C.3/59/L.58, A/C.3/59/L.59, A/C.3/59/L.61 and A/C.3/59/L.62)

2. **The Chairman** announced that the sponsors of draft resolutions A/C.3/59/L.41, A/C.3/59/L.44, A/C.3/59/L.51 and A/C.3/59/L.58 wished to delay the introduction of those draft resolutions until a later date.

Draft resolution A/C.3/59/L.37: The right to development

Draft resolution A/C.3/59/L.39: Enhancement of international cooperation in the field of human rights

Draft resolution A/C.3/59/L.40: Human rights and unilateral coercive measures

3. **Mr. Mohd Radzi** (Malaysia), in the context of the revitalization of the Committee's work, introduced draft resolutions A/C.3/59/L.37, A/C.3/59/L.39 and A/C.3/59/L.40 together on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries and announced that China had become a sponsor of all three draft resolutions.

Draft resolution A/C.3/59/L.52: Human rights and terrorism

4. **Mr. Khane** (Secretary of the Committee) announced that Switzerland, which had been included erroneously in the list of sponsors, should be deleted from the list.

5. **Mr. Lukyantsev** (Russian Federation), introducing draft resolution A/C.3/59/L.52 on behalf of the sponsors, which now included Ecuador, El Salvador, Peru, Turkey and Ukraine, said that terrorism undermined the effective enjoyment of human rights at the national, regional and international levels and aimed to destroy democracy, as had been observed by the World Conference on Human Rights. Emphasizing the universal nature of the terrorist threat, he urged all States, without exception, to work together to combat terrorism in all its forms and manifestations and called on the Committee to adopt the draft resolution without a vote in order unequivocally to reaffirm that nothing justified terrorism.

6. **Mr. Khane** (Secretary of the Committee) announced that the Dominican Republic, Eritrea and Kyrgyzstan had become sponsors of the draft resolution.

Draft resolution A/C.3/59/L.56: Regional arrangements for the promotion and protection of human rights

7. **Ms. Stevens** (Belgium) introduced draft resolution A/C.3/59/L.56 on behalf of the sponsors, which now included Argentina, Burkina Faso, Canada, Croatia, Denmark, Ecuador, Guatemala, Japan, Liechtenstein, Monaco, Nigeria, Panama, Peru, the Republic of Korea, Romania, Switzerland, the former Yugoslav Republic of Macedonia and Ukraine. After recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 reaffirmed the fundamental role of regional arrangements for the promotion and protection of human rights, she drew particular

attention to paragraphs 3, 4, 5 and 8, emphasizing the importance of strengthening cooperation at all levels and of the progress achieved in establishing regional and subregional arrangements for the promotion and protection of human rights. She called on the Committee to adopt the draft resolution without a vote as in previous years.

8. **Mr. Khane** (Secretary of the Committee) announced that Bosnia and Herzegovina, Bulgaria, Costa Rica, the Dominican Republic, Mali, Norway and the Republic of Moldova had become sponsors of the draft resolution.

Draft resolution A/C.3/59/L.57: Extrajudicial, summary or arbitrary executions

9. **Mr. Khane** (Secretary of the Committee) announced that Thailand, which had been included erroneously in the list of sponsors, should be deleted from the list.

10. **Ms. Pylvänäinen** (Finland), introducing draft resolution A/C.3/59/L.57 on behalf of the sponsors, which now included Uruguay, announced that Senegal wished to be deleted from the list of sponsors. The draft resolution, which was based on previous resolutions on the same subject, had been simplified and a number of elements drawn from the reports of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions had been added to stress the importance of the work carried out by the Special Rapporteur within his mandate over the past 22 years, in particular in the area of prevention of genocide. Referring in particular to paragraphs 2, 8, 12, 13 and 15, she stressed the importance of cooperation between the Special Rapporteur, other United Nations human rights mechanisms and States. Negotiations on the draft resolution were ongoing. She called on all States to adopt the final version by consensus.

Draft resolution A/C.3/59/L.59: Elimination of all forms of religious intolerance

11. **Mr. Hamburger** (Netherlands) introduced draft resolution A/C.3/59/L.59 on behalf of the European Union and the sponsors, which now included Azerbaijan, Bosnia and Herzegovina, Ecuador, Eritrea, Ethiopia, Georgia, Nicaragua, the Republic of Moldova, South Africa, Switzerland and the former Yugoslav Republic of Macedonia. After drawing attention to the first and ninth preambular paragraphs, he noted that paragraph 9 did not exclude any religion or belief and would provide the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief with useful and timely guidance for her work. He then referred to paragraph 15 and, in that regard, paid tribute to the ongoing efforts of human rights defenders and non-governmental organizations.

12. After encouraging the newly appointed Special Rapporteur in her work and urging all Governments to respond favourably to her requests to visit their countries, he paid tribute to her predecessor for his outstanding contribution to the promotion of freedom of religion and the elimination of religious intolerance. He hoped that, as in previous years, the draft resolution would be adopted by consensus.

13. **Mr. Khane** (Secretary of the Committee) announced that Azerbaijan, Haiti, Mali and Turkey had become sponsors of the draft resolution.

Draft resolution A/C.3/59/L.61: Question of enforced or involuntary disappearances*

14. **Mr. Bertoux** (France) introduced draft resolution A/C.3/59/L.61* on behalf of the sponsors, which now included Bolivia, Brazil, the Central African Republic, Cuba, Eritrea, New Zealand, the Niger, Paraguay, Togo, Turkey and Ukraine. It was deplorable that the problem of enforced disappearances remained as urgent as ever, as confirmed by the work of the Commission on Human Rights' Working Group on Enforced or Involuntary Disappearances. Disappearances were not confined to one region, but occurred on all continents, particularly in countries in a situation of armed conflict. There were two innovations in relation to the text of General Assembly resolution 57/215, adopted two years earlier: the first concerned paragraphs 6 (a) and (c), while the second concerned paragraphs 21 and 22. He very much hoped that the draft normative instrument mentioned in paragraph 21 could be examined by the Assembly at its sixtieth session in order to strengthen the normative mechanism for combating enforced disappearances and address the problem from another angle, in addition to the humanitarian one.

15. **Mr. Khane** (Secretary of the Committee) said that Afghanistan, Bosnia and Herzegovina, Haiti and South Africa had joined the sponsors of the draft resolution.

Draft resolution A/C.3/59/L.62: Enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy

16. **Mr. Stamate** (Romania), introducing draft resolution A/C.3/59/L.62, said that Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Rwanda, Serbia and Montenegro, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland had joined the sponsors. Encouraged by the support and encouragement accorded to Commission on Human Rights resolution 2004/30 by a large number of countries representing all regions and all groups of States, the sponsors had decided to work to achieve the reaffirmation of that resolution by the General Assembly. On the basis of its provisions, they had produced a concise and well-drafted text, minimizing its preamble and emphasizing action. It reflected the thinking contained in General Assembly resolution 55/96, but its provisions were focused on regional cooperation to promote and strengthen democracy. The sponsors believed that the time had come once again to promote dialogue on democracy, as a relatively new component of the broader debate on the contribution of regional organizations to conflict prevention and peacebuilding.

17. He drew attention to the main points of the draft resolution, particularly paragraphs 3 and 7 and paragraph 8 (a). Referring to paragraph 8 (f), which was an addition to the resolution adopted by the Commission on Human Rights, he indicated that the official in charge of the issue of democracy within the Office of the United Nations High Commissioner for Human Rights was tasked with providing advice and assistance to States which requested it, in order to promote and encourage democracy. In that regard, the sponsors of the draft resolution had wished to acknowledge the potential of the regional organizations in terms of publicizing and protecting democratic values such as respect for human rights and fundamental freedoms.

18. **Mr. Khane** (Secretary of the Committee) said that Costa Rica, Estonia, Guatemala, Mongolia, Norway and Panama had joined the sponsors of the draft resolution.

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)* (A/C.3/59/L.46, L.48*, L.49, L.50*, L.53, L.54 and L.60)

Draft resolution A/C.3/59/L.46: Situation of human rights in Zimbabwe

19. **Mr. Hamburger** (Netherlands) introduced draft resolution A/C.3/59/L.46 on behalf of the European Union and its co-sponsors, and said that Iceland and Turkey had joined the sponsors. Having drawn particular attention to the second, third and fourth preambular paragraphs and operative paragraphs 1, 2 and 3, he said that the European Union believed that the situation of human rights in Zimbabwe merited being addressed by the Committee and considered it important to draw attention to its concerns on that subject by means of the draft resolution. The European Union was committed to working closely with all interested delegations, in particular those of the African Union, to ensure that the draft resolution was adopted, and was also prepared to work on the text with the delegation of Zimbabwe. It hoped that the draft resolution would meet with general support.

20. **Mr. Kitchen** (Zimbabwe) recalled that, in its statement to the Committee on 1 November 2004, his delegation had reaffirmed that cooperation among sovereign States was essential to the promotion and protection of human rights. It was regrettable that draft resolutions on the situation of human rights in a particular country were used for settling political disagreements. The draft resolution which had just been introduced was a perfect example of the way in which human rights issues were misused for political ends; it was essentially intended as an attack on the sovereignty of Zimbabwe, particularly in respect of the allocation of its national resources. Following three unsuccessful attempts by the European Union to have a similar text adopted by the Commission on Human Rights, at its fifty-eighth, fifty-ninth and sixtieth sessions, the member States of the Union, whose racist and colonial attitude caused them to consider African Governments as incapable of implementing their own agreements, had appointed themselves as watchdogs of the agreements entered into by those Governments in the framework of the Southern African Development

Community or the African Union, seeking to compensate for the affront to their ego. Such a condescending attitude should not be encouraged. His delegation therefore called on the Committee not to endorse the politicization of human rights issues and not to support a draft resolution which was merely the reflection of a bilateral dispute between Zimbabwe and the United Kingdom.

21. **Mr. Cumberbach Miguén** (Cuba) said that his delegation was determined to strongly oppose the adoption of such a draft resolution, which in no way favoured international cooperation in the area of human rights. States which permitted themselves to violate the Charter of the United Nations and the right to self-determination of peoples had no right to criticize others, and the colonial Powers which, under the pretence of "constructive engagement", had remained silent in the face of the oppressive apartheid regime in South Africa and bequeathed to the heroic people of Zimbabwe the sad legacy of inequitable land distribution now had no right to sit in judgement. His delegation therefore opposed this renewed attempt to selectively condemn countries of the third world for their human rights situations.

Draft resolution A/C.3/59/L.48: Situation of human rights in the Sudan*

22. **Mr. Hamburger** (Netherlands) introduced draft resolution A/C.3/59/L.48* on behalf of the European Union and said that Japan, Liechtenstein and Monaco had joined the sponsors. The European Union believed that the situation of human rights in the Sudan merited being addressed by the Committee. It had already been addressed earlier in the year by the Commission on Human Rights, which had appointed an independent expert who had reported orally to the Committee. Since the Commission had considered the question, there had been many new developments including visits to the Sudan and Darfur by the United Nations High Commissioner for Human Rights, the independent expert, the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

23. He drew attention to several aspects of the draft resolution, particularly paragraph 1 (a), paragraph 2 (a), (b) and (c) and paragraph 4 (a), (b) and (f). The European Union considered that the text of the draft resolution, building on Security Council resolutions 1556 (2004) and 1564 (2004), was comprehensive and balanced, giving due attention to the peace talks in Nairobi and Abuja. The European Union was committed to working closely with all interested delegations, in particular those of the African Union, to ensure that the text was adopted. It wished to state clearly that the time had come to put an end to the atrocities in Darfur. It therefore hoped that the draft resolution would meet with general support.

24. **Mr. Leu** (Republic of Moldova), referring to his delegation's policy of supporting the draft resolutions on the human rights situation in a given country but not sponsoring them, asked that Moldova be removed from the list of the sponsors of draft resolutions A/C.3/59/L.48*, L.49 and L.54, in which it had been included because of a technical error.

25. **Ms. Ahmed** (Sudan) said that her delegation, endorsing the statements made by the delegations of Zimbabwe and Cuba concerning the selective and politicized approach to human rights issues, wished to reaffirm its strong opposition in principle to any text focusing on a particular country, which reflected political motivation and lacked all objectivity.

Draft resolution A/C.3/59/L.49: Situation of human rights in Myanmar

26. **Mr. Khane** (Secretary of the Committee) said that France, omitted by mistake, should be listed as a sponsor of the draft resolution and that the Republic of Moldova should be deleted from the list.

27. **Mr. Hamburger** (Netherlands), speaking on behalf of the European Union and introducing draft resolution A/C.3/59/L.49, said that Monaco had become a sponsor. In consultation with interested delegations, including Myanmar, the text had been considerably streamlined in comparison with the previous year's resolution. There had been certain positive developments in the human rights situation in Myanmar, as indicated in paragraph 1 (c) and (e) of the draft, but no progress had been made in certain other areas, referred to in paragraph 2 (c), (d) and (e) and paragraph 3 (a), (b) and (c). He hoped that the draft resolution would, as in previous years, be adopted without a vote, testifying to the international community's common concern and its interest in the future of the people of Myanmar.

Draft resolution A/C.3/59/L.50: Situation of human rights in the Islamic Republic of Iran*

28. **Mr. Laurin** (Canada), introducing draft resolution A/C.3/59/L.50*, said that Liechtenstein, the former Yugoslav Republic of Macedonia and Tuvalu had joined the sponsors. Recalling that the draft resolution had been modelled on resolution 58/195 adopted by the General Assembly at its previous session, and in particular paragraphs 3 (a) and 5, he said that his delegation believed that the human rights situation had clearly deteriorated in the course of the past year. The wording of the draft text, which had been communicated to the Iranian authorities, had been weighed very carefully so that it would be accurate and balanced. Canada had had many exchanges with the Islamic Republic of Iran regarding the issues addressed in the text.

29. He drew attention to encouraging developments during the past year, particularly the announcement referred to in paragraph 1 (f), and also the anticipated improvements to Iranian legislation relating to justice for minors, the cooperation of the authorities with United Nations bodies, their open invitation to all human rights monitoring mechanisms and the actual visits to the country, in 2003 and 2004, by the Working Group on Arbitrary Detention of the Commission on Human Rights (para. 1 (b) of the draft resolution), the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression (para. 1 (c)) and the Special Rapporteur of the Commission on Human Rights on the human rights of migrants (para. 1 (b), (c) and (d)).

30. There were a number of subjects of concern in respect of the human rights situation in Iran. Other than the problems touched on in paragraph 2 (b) and (h), there was the unfavourable situation of women and their unequal treatment under the law, especially the fact that the victims of sexual violence were considered to be the guilty ones. Iran also did not respect internationally recognized safeguards in the administration of justice, the judicial system was not independent and, in a number of Iranian courts, magistrates still acted as both judge and prosecutor. The persistence of arbitrary detentions, of torture and other forms of cruel punishment and of capital punishment in Iran was another matter of concern to the international community.

31. While Iran's statement that it was committed to respecting human rights represented definite progress, the statement should be followed by concrete steps, of which thus far there had been no evidence. His delegation was therefore convinced that, as things stood, it was necessary to rely on all existing mechanisms and means, such as the adoption of a resolution by the Committee, to see to it that the Iranian Government honoured its human rights obligations.

Draft resolution A/C.3/59/L.53: Situation of human rights in Turkmenistan

32. **Mr. Hamburger** (Netherlands), speaking on behalf of the European Union, introduced the draft resolution on behalf of its sponsors, which had been joined by Liechtenstein.

Draft resolution A/C.3/59/L.54: Situation of human rights in the Democratic Republic of the Congo

33. **Mr. Hamburger** (Netherlands) introduced the draft resolution on behalf of the European Union and all the sponsors. The international community could not remain silent in the face of the ongoing human rights violations, in particular the use of sexual violence denounced by the independent expert on the situation of human rights in the Democratic Republic of the Congo, and all the parties concerned must make an active commitment to finding a comprehensive solution. He hoped that the draft resolution would be adopted without a vote, for that would express not only the international community's concern over the situation but also its unanimous support for the ongoing process.

Draft resolution A/C.3/59/L.60: Situation of democracy and human rights in the United States of America

34. **Mr. Dapkiunas** (Belarus), introducing the draft resolution, condemned the many violations of fundamental rights and freedoms in the United States and pointed out that while proclaiming itself a stronghold of democracy and world protector of human rights, the United States continued to consider itself not bound by its international human rights obligations, as evidenced by the pressure it brought to bear on other countries to eliminate the jurisdiction of the International Criminal Court over its citizens. Exempting the leading world Power from international scrutiny did not strengthen the international

community or the cause of human rights. While not bent on anti-Americanism or seeking to play the role of a human rights mentor, Belarus was seeking to make the United States aware that it was too involved in putting order into the affairs of other sovereign States while often failing to ensure the adequate protection of human rights at home. The draft resolution was also a response to the draft resolution on the situation of human rights in Belarus initiated by the United States delegation. At the same time, his delegation remained a committed opponent in general of resolutions singling out specific countries. To put an end to that mutual exchange of accusations, and to avoid making light of any initiative, the most responsible way out would be to withdraw both draft resolutions together with all the others dealing with specific countries, and to concentrate on questions that had real priority. He invited the various delegations that had expressed an interest in sponsoring draft resolution A/C.3/59/L.60 to refrain from doing so at that stage.

Agenda item 100: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/59/12 and Add.1, 317, 425 and 554)

35. **Ms. Antonijević** (Serbia and Montenegro) said that her country wished to associate itself with the statement made by the Netherlands on behalf of the European Union, and recalled that for a number of years, Serbia and Montenegro had been providing shelter for Europe's largest refugee population, including 400,000 refugees from Croatia and Bosnia and Herzegovina.

36. Several measures had been taken with a view to resolving the problem, essentially focusing on facilitating local integration, which was the solution favoured by most refugees. In 2002 the Republic of Serbia had adopted a national refugee strategy and, for Serbia and Montenegro, a poverty reduction strategy paper had been drafted, and Roma integration strategies had been implemented. However, despite the implementation of projects aimed at providing adequate housing, as well as self-reliance programmes based on microcredit, in-kind grants and vocational training, many refugees still lacked adequate assistance.

37. As the situation had improved, the Office of the United Nations High Commissioner for Refugees (UNHCR) and major humanitarian agencies had gradually been phasing out their operations in the country, but development programmes had not been able to provide the necessary assistance to the most vulnerable refugees. Because her country was still grappling with economic difficulties, the international community — particularly the major donors and development agencies — should continue to assist the refugees. The voluntary repatriation of refugees had been progressing well, and the number of returnees should increase following the imminent signing of the bilateral agreement between Serbia and Montenegro and Croatia on the protection of national minorities. Moreover, implementation of the legislative and administrative measures adopted by Croatia should help create the conditions necessary for their sustainable return. However, the situation of 260,000 internally displaced persons from Kosovo and Metohija was a major source of concern for her country. The pace of their return had been unacceptably slow, and the prospects for further returns remained slim; the number of returnees was negligible because, as a result of ethnically motivated violence, lack of security and lack of freedom of movement, acts of intimidation and harassment, and discrimination, the situation of the non-Albanian population in the province was precarious. Violence in March had hindered the already fragile repatriation process and resulted in the displacement of 4,100 persons, most of whom were Serbs, and 2,700 of whom were still unable to return home. Referring to the Secretary-General's report on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2004/613), she urged UNMIK to redouble its efforts to ensure the safe and unimpeded return of all displaced persons, in accordance with Security Council resolution 1244 (1999).

38. Her country was committed to finding solutions for the protection of refugees. To that end, it would continue to work with other Member States and UNHCR, as well as within the Executive Committee of the High Commissioner's Programme, and would endeavour to step up cooperation with the neighbouring countries concerned.

39. **Ms. Iamsudha** (Thailand) said that voluntary repatriation continued to be the preferred durable solution and that the role played in that process by countries of origin should not be neglected. She therefore supported the increasing role played by UNHCR in the creation of an enabling environment

inside Myanmar. Humanitarian assistance should be expanded to cover the development of the infrastructure necessary for the reintegration of displaced persons, as well as the prevention of further refugee flows, particularly in border areas. The Thai authorities and the UNHCR regional office in Bangkok had made progress in their efforts to protect displaced persons from Myanmar who had sought refuge in Thailand, by reconvening the Provincial Admission Board, reregistering the displaced persons in nine temporary shelter areas, and planning for their repatriation.

40. Thailand wished to thank UNHCR for facilitating the resettlement in the United States of more than 15,000 Laotian Hmong. The resettlement was progressing and should be finished in April 2005. Cooperation between Thailand, the United States and UNHCR was a good example of a durable solution to protracted situations.

41. Thailand fully recognized the need to address the closely linked and complex problems of migration and asylum faced by host countries in confronting mixed flows. Because it was aware of the benefits of registration for migration management, it had registered more than 1.3 million illegal workers during the year, thereby regularizing their situation in the country.

42. *Ms. Astanah Banu (Malaysia), Vice-Chairman, took the Chair.*

43. **Ms. Gunasekera** (Sri Lanka) noted that the unprecedented decline in the number of refugees was accompanied by a growing interest in the plight of refugees, asylum-seekers, economic migrants and others, along with the development of the very lucrative business conducted by human traffickers.

44. Since the signing of the ceasefire agreement in February 2002, displaced persons continued to return home, and more than 63,000 Sri Lankan refugees who had been living in camps and centres in India had returned home voluntarily. The confidence-building measures undertaken by her Government, especially the reopening of key access routes in the north, had contributed to that positive trend. Under its Unified Assistance Scheme, her Government offered grants to returning internally displaced persons (IDPs) and refugees as well as financial assistance for re-housing. It also ran welfare centres for IDPs awaiting resettlement, and provided families living in the centres with essential dry rations. In the north and east of the country, de-mining operations were being carried out in order to clear the land for resettlement. The declining rate of accidents involving mines showed the success of those efforts. Sri Lanka had set itself the goal of being mine free by 2006, and had become a party to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects.

45. In response to the increased economic activity arising from the ongoing peace process, the World Bank and the African Development Bank had committed over US$ 156 million in loan assistance to her country. Furthermore, Sri Lanka was one of five countries selected by the World Bank, the United Nations Development Programme and UNHCR to work, along with the stakeholders, on the implementation of a repatriation, reintegration, rehabilitation and reconstruction ("4Rs") concept, a pilot initiative designed by the United Nations to bridge the gap between relief and development in a post-conflict situation. The Chairman of the Executive Committee of UNHCR had visited Sri Lanka in February 2004 and had praised her Government for its efforts and for its collaboration with UNHCR. Her delegation stressed that, in the peacebuilding phase of conflict resolution, countries such as Sri Lanka needed significant assistance to rebuild infrastructure and livelihoods.

46. **Mr. Dhakal** (Nepal) urged the international community to continue to support UNHCR, which strove to protect refugees who were victims of circumstances beyond their control, such as persecution, forced eviction, armed conflict, natural disasters, ethnic cleansing and gross violations of human rights. In recent years UNHCR had been exploring innovative ideas in an effort to find durable solutions and innovative ideas, such as the "UNHCR 2004" process, Global Consultation, and the Convention Plus initiative. While appreciating those initiatives, his country urged UNHCR to give priority to protracted situations because, although there had been a number of encouraging developments, there were still more than 17 million persons of concern to UNHCR. The collaborative approach and the integrated missions might be useful for those situations in which United Nations peacekeeping operations were being carried out. For other situations, however,

UNHCR should undertake a thorough analysis of the dynamics and root causes of the respective refugee problems.

47. His delegation believed that the General Assembly should consider strengthening the capacity of UNHCR and, in particular, removing the time limit on the mandate of the Office, so that it could make a sustained effort to find durable solutions, through long-term and multi-year programming. His delegation noted that the High Commissioner had consistently pursued the "4Rs" approach, which was the key to resolving refugee problems. However, it had serious reservations about the "development through local integration" approach, which should be examined carefully, on a case-by-case basis. There could be no blanket solution that addressed all situations. Local assimilation had serious political, social and economic ramifications and, in countries where there was abject poverty and a high population, local integration would lead to instability and disaster. His delegation urged UNHCR to explore all possible solutions to the repatriation of refugees. The solution of development assistance to refugees might seem plausible, but it could have disastrous consequences for poor nations, and would have a serious long-term economic, social and environmental impact on host countries. Nepal therefore found the idea unacceptable.

48. With respect to the Bhutanese refugees, to whom Nepal had provided asylum on purely humanitarian grounds, even though it was not the first country of asylum and lacked the necessary resources, his country was fully committed to finding a durable solution to the problem through bilateral negotiations. If that bilateral process was to succeed, genuine political will was required. It was now for Bhutan to create conditions that were favourable to the return of the refugees, since the verification process had been stalled for a long time for no valid reason.

49. Nepal wished to express its appreciation to UNHCR, friendly countries, and non-governmental organizations for the assistance they had provided for the maintenance of the refugees, and appealed to them to sustain their assistance at the current critical stage, when the smallest misstep might derail the process.

50. **Mr. Idoko** (Nigeria) said that it was encouraging that the number of refugees in Africa, particularly in Angola and Liberia, was continuing to decline and that the High Commissioner's report (A/59/12) showed an appreciable decrease in the global refugee population to just over 17 million at the end of 2003. However, in 2003 the number of internally displaced persons in Africa had risen to 13 million spread through 20 countries (the highest number being in the Sudan), and that situation underlined the ugly consequences of armed conflicts, in Africa in particular. Nigeria therefore called upon the international community to support Africa's various peace processes, including conflict prevention and sustainable development efforts. It also called upon UNHCR to intensify its capacity-building efforts at the country level to enable countries to respond swiftly to the protection and assistance needs of refugees.

51. An effective approach to the problem of refugees must pay greater attention to the root causes of forced population displacement. The problems of good governance, poverty, disease and injustice must also be addressed. Any lasting solution must in addition aim at the reintegration of victims of such displacements. In that connection, Nigeria welcomed the collaboration among UNHCR, the Office for the Coordination of Humanitarian Affairs, the Department of Political Affairs and the Department of Peacekeeping Operations, which provided the opportunity to blend repatriation with post-conflict reconstruction processes, such as demobilization, disarmament and reintegration (DDR). His delegation also welcomed the "4Rs" initiative, and the High Commissioner's efforts to strengthen multilateral ownership of that strategy, as well as other initiatives such as Development through Local Integration and Development Assistance for Refugees.

52. **Mr. Owade** (Kenya) said that Kenya, which had a long tradition of hosting refugees since its independence 40 years earlier, attached great importance to providing assistance to such persons. Currently hosting some 240,000 refugees under the mandate of UNHCR, Kenya was respecting the international and regional instruments governing their protection.

53. Kenya supported the six goals of UNHCR concerning international protection for refugees, in particular Convention Plus, the Framework for Durable Solutions and Development Assistance for Refugees. Since limited resources were available to ensure refugee protection, meet the needs of host communities and address security concerns, the international community must respond in a timely manner when

providing assistance to host countries. While the funding situation had improved as a whole, donors' contributions still varied considerably so that in certain parts of the world, refugees were living below the minimum standards of protection. His delegation therefore held the view that the budget of UNHCR should be needs-based rather than resource-based.

54. The Kenyan parliament was considering a bill emphasizing the need for more effective refugee protection; once the legislative process was complete, a full-fledged department would be established to deal with refugee matters.

55. His delegation was convinced that the principle of *non-refoulement* should remain the cornerstone of any refugee protection regime. It therefore emphasized that any efforts to improve international refugee protection must be agreed upon within the multilateral framework under the auspices of UNHCR and must be in conformity with international refugee law. Kenya particularly cautioned against the establishment of special processing centres in which refugees would be contained.

56. Kenya was convinced that voluntary repatriation, local integration and resettlement were the three most important solutions to refugee situations. He called upon the international community to redouble its efforts to create conducive conditions, in countries of origin, that would enable refugees to return in safety and dignity. For that reason, Kenya and other African countries had invested heavily in the peace process in southern Sudan and Somalia. The situation in Somalia remained volatile, and therefore care should be taken not to force asylum-seekers to return to their countries. Given the enormous challenge confronting Somalia, Kenya called upon the international community to discharge its obligations by providing Somalia with the necessary assistance in disarmament, reintegration of displaced populations and reconstruction of the country. In addition, his Government was concerned that donors had not met their financial obligations, leaving Kenya at the end of the peace process with a mass of unpaid bills.

57. With regard to the principle of resettlement, Kenya called on States to work together to find a fair and transparent way of determining who should benefit from resettlement programmes, so that first countries of asylum did not have to take in the most vulnerable of the refugees while third countries received those who were more able-bodied and better educated. Proceeding in such a way was not in keeping with the spirit of burden-sharing or with humanitarian considerations.

58. **Mr. Majewski** (International Federation of Red Cross and Red Crescent Societies (IFRC)) said that IFRC worked with UNHCR to develop cooperation arrangements between it and national societies to address severe refugee flows. He stressed the importance of Red Cross and Red Crescent Societies exhibiting the fundamental principles in support of refugees and internally displaced persons, in particular the principles of independence, neutrality and impartiality. That issue had been at the forefront of the debate during the 2003 session of the Council of Delegates, the decision-taking body of IFRC.

59. The national societies, in particular, provided assistance to persons living beyond the reach of international organizations, especially persons living outside camps who were not covered by protection systems, a vulnerable population that was often forgotten. Many actors, especially the Red Cross and Red Crescent Societies, non-governmental organizations and host Governments, must support those who cared for such groups.

60. In addition, the millions of people currently regarded as irregular, undocumented or illegal had an enormous impact on societies. Such people were extremely vulnerable and often entered the asylum-seeking process. However, those whose claims were found to be invalid under the Geneva Convention relating to the Status of Refugees, of 1951 might not be able to return to their countries of origin.

61. Such persons were almost always beyond the scope of health and social security systems and, as such, were extremely vulnerable to HIV/AIDS, violence, exploitation, discrimination and xenophobia. Paradoxically, their exploitation, whether intentional or not, benefited the economy of the countries in which they found themselves. Powerful statistics showed that their contribution was often essential, especially in the agricultural and industrial sectors, although the return to them was marginalization and discrimination. All that must stop, and their dignity must be restored.

62. IFRC welcomed the consultations organized by the Global Commission on International Migration. In order to solve the problem of asylum-seekers, all Governments must first of all determine and enact

coherent migration legislation that addressed social and economic needs. Legal and administrative hurdles would not put an end to population movements, a phenomenon which was as old as the world itself and was now also a product of globalization. The national societies were trying to cope with marginalization; to the extent possible, IFRC would support the Global Commission, which was due to submit an important report to the Secretary-General in 2005.

Rights of reply

63. **Ms. Aghajanian** (Armenia), speaking in exercise of the right of reply and referring to the statement of Azerbaijan, said that it was regrettable that once again the causes and consequences of the Nagorny Karabakh conflict had been misrepresented. To begin with, Armenia had no designs on any territory whatsoever, and the claims of Azerbaijan regarding territorial integrity had no foundation, since Nagorny Karabakh had never belonged to an independent Azerbaijan. Moreover, the situation there was the result of the war that Azerbaijan had waged against the people of Nagorny Karabakh, who had attempted to exercise their right to self-determination in a peaceful manner in accordance with the law.

64. With regard to refugees and displaced persons, she wished to emphasize that the conflict had been generated by both sides. All the proposals elaborated by the Minsk Group, including those rejected by Azerbaijan over the past six years, which the Azerbaijan delegation had deliberately failed to mention, addressed the problem as two-sided, in addition to raising the question of the status of Nagorny Karabakh. All those issues had been covered in the negotiations conducted by the Minsk Group, and Azerbaijan, once again, was trying to pick and choose among the issues, even though they had been acknowledged to be indissociable during the four years of negotiations that had concluded with the Lisbon Summit of the Organization for Security and Cooperation in Europe in 1996.

65. The impossibility of finding a definitive solution to the conflict without resolving the problem of the status of Nagorny Karabakh had led to the resignation of the Armenian President in 1998, because the approach taken had not been acceptable to the Armenian people or to Nagorny Karabakh.

66. However, instead of negotiating in good faith under the auspices of the Minsk Group, the Azerbaijani authorities were doing their best to divert the course of the peace process by harping on certain points in the negotiations in international forums such as the United Nations, an unacceptable practice that undermined the entire peace process.

67. **Mr. Kadiri** (Morocco), speaking in exercise of the right of reply and referring to the statement made by Algeria, said that it was regrettable that Algeria had taken advantage of a humanitarian agenda item to set forth its position on the settlement of the dispute over the Sahara, a dispute that it had created 30 years earlier and kept trying to stoke artificially in international forums.

68. The first Baker plan (2001), which had had the unanimous support of the Security Council and which Morocco had been ready to put into effect, had been rejected by Algeria. The second Baker plan had not been taken as a basis for the political settlement of the dispute over the Sahara because it had not met with the agreement of Morocco. It was surprising that Algeria persisted, since it had not succeeded in reviving the second Baker plan before the Fourth Committee. That debate had been definitively closed since the adoption of Security Council resolution 1570 (2004), in which the Council called upon the parties to end the current impasse and to achieve progress towards a political solution. The appropriate step therefore was to enter into negotiations to that end with the help of the Special Representative of the Secretary-General for Western Sahara.

69. The figures put forward by Algeria on the number of refugees in the camps in the Tindouf area could not be taken at face value, since the host country would not permit the UNHCR to do a survey under the requisite impartial conditions in accordance with its obligations under its Statute.

70. **Mr. Israfilov** (Azerbaijan) said that he had been tempted simply not to respond to the statement of Armenia, which was full of factual distortion, propaganda and false accusations, but he was conscious of the need to clarify some of the points raised in order to prevent the creation of another myth, namely, that Nagorny Karabakh had never been part of Azerbaijan. That question had been negotiated in several international forums, and the Security Council had unanimously adopted four resolutions reaffirming

the territorial integrity of Azerbaijan, referring to Nagorny Karabakh as part of Azerbaijan and calling for the withdrawal of all Armenian occupying forces from Azerbaijani territory and the establishment of conditions for the safe return of refugees and displaced people. Armenia, in defiance of the will of the international community, continued to occupy Nagorny Karabakh and adjacent regions. His delegation would discuss in detail the settlement process being conducted by the Organization for Security and Cooperation in Europe during the debate to be held in the General Assembly on the situation in the occupied territories of Azerbaijan and would limit itself for the time being to stating that Azerbaijan would never compromise its territorial integrity. The efforts of Armenia to hide its aims of annexation behind the noble principle of the right of peoples to self-determination ran counter to the resolutions of the Security Council, the Charter of the United Nations and international law and were thus doomed to failure. The only solution was to reject the aggressive rhetoric of Armenia and to bring to justice the aggressor State and its criminal puppet regime in the territories it was occupying in Azerbaijan.

71. **Mr. Osmane** (Algeria), responding to the statement made by Morocco in exercise of the right of reply, said, first, that the question of the Saharan people was on the agenda of the Fourth Committee as a decolonization issue and, second, that the question of Western Sahara had not been created by Algeria. Spain, which was the colonial Power at that time, had intended to organize a self-determination referendum and to that end had conducted a census of the Saharan population in 1974. The death of General Franco and the resulting period of constitutional uncertainty had opened the door for illegal occupation of the territory by Morocco. The occupation by Morocco had generated conflict with the Saharan people and caused a massive migration of the Saharan population to Algeria. Third, Algeria rejected any attempt by Morocco to turn the question of Western Sahara, which was a question about decolonization and the exercise by the Saharan people of their right to self-determination, into an Algerian-Moroccan problem. Proof, if it were needed, was that Morocco had signed a ceasefire agreement with Frente POLISARIO and a Peace Plan that provided for the organization of a referendum on self-determination in Western Sahara and that it recognized the United Nations Mission for the Referendum in Western Sahara (MINURSO).

72. With respect to the type of settlement envisaged by the representative of Morocco, such a proposal, which aimed at annexation of the territory of Western Sahara, had been rejected and had never been given the stamp of approval by any organ of the United Nations. As to the number of refugees, his own delegation had cited a figure the day before in the presence of the United Nations High Commissioner for Refugees. The Moroccan delegation should have put the question to the High Commissioner at that time.

73. Algeria continued to support the efforts of the United Nations to enable the people of Western Sahara to exercise their right of self-determination in accordance with international law and in implementation of the Peace Plan for Self-Determination of the People of Western Sahara, which the Security Council had unanimously supported in its resolution 1495 (2003).

74. **Ms. Aghajanian** (Armenia), responding to the statement made by the representative of Azerbaijan in exercise of the right of reply and focusing on the relevant Security Council resolutions, which Azerbaijan had misrepresented in several cases, said that best way to understand the resolutions was simply to read them. It would then become clear how many of the allegations of Azerbaijan against Armenia were unfounded. In truth, Armenia was doing exactly what those resolutions asked it to do, namely, lending its good offices to find a lasting solution to the Nagorny Karabakh conflict.

75. **Mr. Kadiri** (Morocco) observed that the debate raised by the representative of Algeria under a humanitarian item showed that Algeria was indeed a party to the regional conflict over the Moroccan Sahara. It was regrettable that Algeria persisted in politicizing a humanitarian question and using it as an excuse to expand upon its view of the dispute. Morocco rejected all the allegations and generalizations of Algeria. It should be noted that the very fact that Algeria spoke of an "occupation" was a further demonstration of its distortion of reality and historical fact. The concept of "occupying Power", as defined in the Hague Regulations of 1907 and the Fourth Geneva Convention of 12 August 1949 and in customary law, referred to a State that occupied all or part of the territory of another State and had certain powers related to the provisioning and security of its troops; it in no way applied to the situation in the Moroccan Sahara. The representative of Algeria had

deliberately omitted any reference to Security Council resolution 1570 (2004), in which the Council called upon the parties to end the current impasse and to achieve progress towards a peaceful solution of the dispute over the Sahara.

76. Morocco could not accept the figure given by Algeria concerning the number of refugees and had asked for a census of the population in the Tindouf camps by UNHCR in accordance with its Statute. However, Algeria had refused to allow UNHCR to carry out such a census. The fundamental importance of early registration had been recognized in a number of General Assembly resolutions and in the conclusions of the UNHCR Executive Committee. The Joint Inspection Unit and the United Nations Board of Auditors, for their part, had recognized that and had made recommendations in that regard. As host country, Algeria had the obligation and responsibility to see to it that the civilian and humanitarian character of the camps was not compromised by the presence of armed elements and their activities, as had happened in the Tindouf camps. Moreover, the UNHCR Executive Committee, at its fifty-fifth session, had adopted a conclusion reaffirming that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return (A/59/12/Add.1, para. 23 (e)).

77. **Mr. Osmane** (Algeria) responded that the representative of Morocco was defending the indefensible and that Morocco could not change history or international law, let alone geography.

78. **The Chairman** announced the Committee had concluded its general discussion of agenda item 100.

The meeting rose at 5.20 p.m.